

Publication of certain material from the Murphy Report

This document includes the remaining material from the *Report of The Commission of Investigation into the Catholic Archdiocese of Dublin* (The Murphy Report) previously redacted on foot of a direction from the High Court in accordance with the provisions of section 38 of the Commissions of Investigation Act, 2004.

The material which was previously redacted has been underlined for ease of reference.

12 July, 2013

Previously redacted material from Chapter 20 of the Murphy Report

Introduction

20.1 The first formal complaint of child sexual abuse against Fr Patrick McCabe⁶⁵ was made to the Archdiocese of Dublin in January 1977. The complaint was made by a 14 year old boy who was at boarding school outside the Archdiocese. The complaint was of a sexual assault carried out in the priest's car in the school grounds.

20.2 At the time of the complaint Fr McCabe was 41 years old and had been a priest of the Archdiocese of Dublin for 16 years. His elder brother, Fr Phelim McCabe⁶⁶, was also a priest of the Archdiocese and had been a classmate in Clonliffe of Archbishop Dermot Ryan.

Pro-Cathedral, 1971 - 1978

20.3 Fr Patrick McCabe served in a number of parishes and was a curate in the Pro-Cathedral at the time of the first formal complaint.

20.4 The Commission has received information from non-Church sources alleging that he sexually abused at least one altar boy prior to this complaint being received. In very recent years, two men have come forward to both the Church and the Gardaí complaining of having been singled out, groomed and sexually assaulted, in one instance to the extent of buggery, by him in the presbytery and the altar boys' changing rooms during his time as curate in the Pro-Cathedral.

20.5 Initially Fr McCabe lived in the main presbytery attached to the Pro-Cathedral. He shared this house with the Diocesan Administrator and other priests. Later he moved into a presbytery where he had his own self-contained accommodation. While there he installed an oratory on the ground floor at the back of the house. During his time in the Pro-Cathedral, Fr McCabe was in charge of the altar boys, a task which he had also performed

⁶⁵ Another priest of the same name was also working in the Archdiocese of Dublin. He was the parish priest in Corduff in the late 1970s and was parish priest in Enniskerry during the 1980s and 1990s. He is not to be confused with the Fr Patrick McCabe described here.

⁶⁶ It is important to emphasise that Fr Phelim McCabe was held in very high regard by all the bishops and priests of the Archdiocese. He was shocked by his brother's problems. He was helpful to his brother but he cannot be held in any way responsible for the manner in which the Archdiocese covered up his brother's activities and prevaricated in dealing with him.

in his previous parishes. The Pro-Cathedral is the diocesan Church. Because of the volume and complexity of services in the Pro-Cathedral, it needed a large number of altar boys and those selected tended to stay on for longer than most altar boys did in other parishes. Fr McCabe held prayer meetings with altar boys in the oratory which he had installed and boys frequently visited him in the presbytery

- 20.6 A former altar boy from the Pro-Cathedral gave the Commission the following description of Fr McCabe's activities with altar boys:

"I suppose there were about 20 of us as altar boys, and I don't think it's exaggerated to say that for the most part we loved Fr McCabe. He just seemed to be a great priest, very interested in young people - this all sounds very sinister looking back now - whereas the other priests - there were some priests we liked, some we didn't. He organised games. He organised holidays. And I suppose a lot of boys who were there would have been from the inner city. I lived in the Pro-Cathedral Parish at the time. ... a lot of the kids would never have had a holiday and most people around there wouldn't have had a car.

Fr. McCabe kept his connection to Eadestown⁶⁷ where he seemed to be very friendly with many families there, and often on Sundays he'd take a combination of the altar boys and some of the local kids from the parish beagling - I presume you know what beagling is, running after an unfortunate hare with hounds. But it was great exercise. It was getting into the country for kids who some of them would never have been out of the city before.

So he was in charge of the altar boys, as I said, and I suppose there would have been a group of us who were older than the younger ones and I never was aware at that time of anything untoward. He certainly was never in any way inappropriate in his behaviour towards me. I have asked one of my brothers and apart from now looking back, as I look back as an adult, I would say that he spent an inappropriate amount of his time with children most definitely ... But to us as boys it seemed, it really seemed wonderful actually...

My memory is, and he'd do it, people would get a turn at going beagling so he was very fair in that way. But I remember in our house

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A parish in which he had earlier been a curate.

it would mean having early lunch on Sunday and being in a rush to get out by maybe 1:00 o'clock down to the beagling, which was always around Punchestown, Eadestown. Maybe five or six children, they were children that would probably be from about eight or nine to maybe 16. The beagling would happen and then it would be back to some of his former parishioners' houses, a change of clothes and I'd say now that he imposed on some of those people to feed all these kids from the city. So that's what it was, that's my memory of it...

I would have been on one holiday in Kerry, which would have been his first from the Pro-Cathedral, his first to organise. So that was probably 1972. He had an arrangement with ...there was a farm ...near Tralee. A lady there [...] and she had, I think it was a bungalow on her farm and she rented it out as a holiday home.

Paddy McCabe would have had a committee of people from Palmerstown. He was in Palmerstown in a previous appointment and there was [...] a married couple...There was somebody else [...] from Palmerstown and I can't remember his first name. And they would have helped - they would have accompanied and they would have run the kind of catering side of the holiday. I think it was for a week and I don't know how many years but Fr McCabe would have done that over a number of years... Fr McCabe always had kind of somewhere outside the Pro-Cathedral to [go to]; at one stage he had a caravan, at another stage he had a trailer tent."

- 20.7 The same witness recalled a number of incidents some of which were reported to him by others and which in hindsight struck him as strange or odd.
- " at one stage a number of the boys, I think it was to Brittas Bay they went, and it was around the time when streaking was fairly common at football matches... Fr. McCabe said at midnight come on let's have a midnight streak. But, again, that was it and none of the boys at the time paid too much attention to it."*

- 20.8 He spoke of another occasion when his brother and his brother's friend were on holiday with Fr McCabe:

"they would have been probably 12 or 13 at the time, they shared a room and after they went to bed, they left the light on and they were

talking and messing. And he said just at one stage they saw Fr McCabe looking in the window and wondered how long he had been there... he just thought that that was a bit kind of weird.

Then there was another time when I think it was a group of them together and Fr McCabe started to wrestle with them and he thought that there was something just not quite right about it. But it didn't go any - it was some kind of wrestling or tickling or something."

First formal complaint, January 1977

20.9 As already stated, the first formal complaint was made in January 1977. Fr McCabe discovered from a woman whom he knew slightly that her son was at a boarding school. He went to the school and introduced himself to the boy as a friend of the family. He invited the boy to sit into his car for a chat. The boy was in his car for almost an hour. Afterwards the boy arrived late to the study hall in a distressed condition. He told his dean that he had just had a visit from a priest who had sexually assaulted him. Later on that evening, the boy was questioned about the matter by his headmaster. Some years later, in 1987, (see below) the boy complained that during the course of that interview he was sexually interfered with by the headmaster, a man since convicted of multiple instances of sexual assault on boys.

20.10 The school reported the complaint to the Archdiocese. The head of the religious order which ran the school met Archbishop Ryan. Archbishop Ryan asked Canon Ardlie McMahon to carry out a preliminary inquiry. Canon McMahon interviewed the headmaster who gave him the background to the alleged sexual assault and told him that he had assured the mother of the boy that the matter was being taken care of. The headmaster gave Canon McMahon a letter sent by Fr McCabe to the boy after the event. Canon McMahon then interviewed the boy and reported as follows:

"MEETING WITH [the boy]

[The boy], a boy of about 14, with good looks, gave a direct, forthright account of the incident, with intelligence and sensitivity.

[The boy], last Saturday week, was told by a boy that his father was there to see him. Fr. McCabe was not showing his clerical collar, and the boy assumed it was [his father]. Outside stood a man beside a red car- a DAF- whom [the boy] felt was a priest, even though he was not wearing a collar.

Do you know me? The priest asked. I am Fr McCabe from the Pro-Cathedral, and I visited your home yesterday. I remember you three years ago-let us discuss it in the car. Once in the car the priest locked the doors, and [the boy] had a presentiment of danger, yet, so excited had Fr. McCabe become that [the boy] felt there was no hope of escape. The priest asked the boy if he did not remember a little joke he had told him three years ago: what do ships do when they dock? They tie up-and with that Fr McCabe raised his tie. [The boy] insisted that he did not know Fr. McCabe.

It was after 5.p.m. The priest then moved over and lay on the boy for about half an hour and kissed him. He then exposed himself, and asked the boy to tickle him. That was all that happened. [The boy] went on: he then asked me to recline my seat in the car, but I insisted I should have to get back to study. Fr. McCabe: Perhaps I have been too intimate (or we have been too intimate). Anyhow, if you want any money or advice, contact me in the Pro-Cathedral or in the Social Centre. He then allowed [the boy] to leave the car, and go to the study hall. [The boy] went on to say that he had received a letter from Fr. McCabe, which he had handed up to [the headmaster]. I thanked [the boy] for his report.

Recommendation

There is substantial evidence of a well founded complaint that Fr. McCabe misbehaved in his relationship with [the boy]. The Headmaster confirmed that [the boy] was a good boy, not given to histrionics, coming from a very good family. I rarely have heard evidence given so ably, such as was given by this boy.

Fr. McCabe's letter confirms that it was he who met [the boy], and is a very strong indication of his desire to meet [the boy] again. It is sad to see this unbalanced emotionalism clothed in religious terms, a phenomenon I have encountered once before. I would recommend that the enquiry be taken up with Fr. McCabe."

20.11 A short time later Canon McMahon interviewed Fr McCabe. Canon McMahon's account of that interview is as follows:

"I saw Fr. McCabe in the Parochial House at 17.20. He told me that he had seen [the boy's] mother on the 14th January, and that she had told him of the disturbed condition of her son, who had spoken of taking his own life. Fr. McCabe called in to [the school] on the 15th thinking to help him. When the boy got into the car he behaved strangely, and had in fact lain on him, kissing him, and putting his tongue in Fr.'s mouth. This shocked him as such a thing he had never experienced before. He had asked the boy to sit back and tell him of his frustrations. Fr. McCabe blamed himself for allowing this incident to develop. When he reached home he realised he needed advice, and consulted two Directors, a Spiritual Director, and a medical one, a psychiatrist I gathered. He was asked if he were under pressure. The Pro-Cathedral led to pressure, as several of the priests were ill; the housekeeping situation was wretched. He was a member of a Fraternity of Priests and had an oratory put in the presbytery. He had much to do with young people and clubs and brought boys on a farm holiday, and nothing like this had ever happened. He was convinced [the boy] needed help. Should he contact [the boy's] mother? I told him that would be very unwise, and also that he should not visit [the school] again. To this he agreed. He denied that he had locked the door of the car, and had lain on the boy.

Evaluation

The evidence of [the boy] seems to me to be closer to the truth, because Fr. McCabe's statement regarding [the boy's] mother is at variance with the version given by the Headmaster of [the school]. The Headmaster reported that [the boy's mother] told him she had simply mentioned to Fr. McCabe that her sons was (sic) in [school], casually saying that "if he were passing that way" he might like to see him. Fr. McCabe said [the boy's mother] had asked him to help her son in regard to his disturbed condition.

Yet, it is the evidence of one witness against the only other witness in regard to what happened in the car. And Fr. McCabe never for a moment denied that an incident had taken place. He also acknowledged that he was to blame in part for what had taken place.

Moreover Fr. McCabe at once sought the help of two advisers to help him understand what he had done.

Recommendation

Fr. McCabe could be asked to give up his specialised youth work interest, at least for the present?"

20.12 Canon MacMahon wrote to the Archbishop to tell him: "I saw our friend this evening, who received the findings with an expression of regret for any embarrassment caused".

20.13 There the matter ended. Nothing further was done. Fr McCabe was not asked to identify the psychiatrist whom he claimed to have attended, let alone asked to provide a medical report as to his findings. No inquiries, discreet or otherwise, were made to find out if this was in fact an isolated incident or part of a pattern of behaviour. No one, apart from Canon McMahon and Archbishop Ryan, knew or was told of the incident so there was no possibility of monitoring Fr McCabe's behaviour.

Second complaint, 1978

20.14 The following year, 1978, there was another complaint. This complaint was handled on behalf of the Archdiocese by Bishop James Kavanagh. The only evidence available to the Commission is Bishop Kavanagh's handwritten memo of his interview with the young complainant.

20.15 The memo records that the young boy came from another parish to take part in the Easter ceremonies as an altar server. He was abused while taking part in practice for the ceremonies. The boy described how he was separated from his friends and brought to the priest's room. The abuse followed a very similar pattern to that which occurred to the first complainant.

20.16 Afterwards, Fr McCabe invited the boy to be an altar boy in the Pro-Cathedral. He told him about hunting and catching hares and rabbits with beagle hounds. He took his photograph and his contact details. All the boy's friends had left the church by the time he left the priest's room and he went back to school alone.

20.17 It is not clear how this matter came to the notice of the Archdiocese but it is likely that the boy reported the incident to someone in his school. There is much in the boy's account which was capable of independent verification:

- the fact of his attendance on the particular day in the Pro-Cathedral;
- his late and lone return to his school;
- his presence in Fr McCabe's private quarters;
- the piece of paper on which Fr McCabe noted his details;
- the taking of his photograph.

There is no evidence that any such inquiries were undertaken. Indeed the documents suggest that Fr McCabe was not even questioned about the matter at that time. The boy's account was forwarded to Archbishop Ryan by Bishop Kavanagh with the comment, *"I presume we can have a word about this sometime"*.

Third complaint, 1978

20.18 The third complaint came to the Archdiocese by a somewhat circuitous route. In late 1977, a woman phoned Dr Maurice Reidy, a former staff member of Clonliffe College, and told him that an unnamed priest had sexually assaulted her six-year-old son. Dr Reidy's recollection, when asked about the matter a year after the complaint was made, was that her complaint was that the priest had lain with her son and there was heavy breathing. Dr Reidy's explanation for his failure to do anything about the complaint at the time he received it was that he had reservations about the woman's capability as a witness. She was, in his estimation, nervous, highly strung, and very innocent of sexual matters for a married woman. He told the Archdiocese in November 1978 that he advised the woman not to let the priest into her home

again. As the woman did not mention the matter to him on two subsequent occasions when he met her, he considered the matter at an end.

20.19 Contrary to Dr Reidy's assumptions, the woman continued to have concerns and, in July 1978 and again in September 1978, she confided in a female friend the nature of the complaint. Fr McCabe had visited her home on a number of occasions. The last time he was in her home, a female helper employed in the house entered her six-year-old son's bedroom and found Fr McCabe lying on the child who was naked on his bed. Fr McCabe tried to pass it off as a game. It was reported that the little boy later remarked that Fr McCabe was choking him and that he thought priests were holy.

20.20 It is not clear from the papers precisely how the Archdiocesan authorities came to investigate this incident; perhaps the second woman had more standing within the Church hierarchy than the woman about whom Dr Reidy was so dismissive. In any event, in November 1978, Canon McMahon was once again sent out to inquire. Interestingly, he did not interview either the boy or his mother or indeed the female employee who had witnessed the event. He did interview Dr Reidy to whom the complaint had first been made and the woman to whom the complaint had subsequently been made, but not those who had direct knowledge of the incident. Canon McMahon reported to Archbishop Ryan:

"It seems to me that the three incidents support the view that the allegations made are substantially true. They follow a pattern. It is evident that the incident of January, 1977 shows that Fr. McCabe was fully responsible, even though he admitted only a partial one. It is also clear that the incidents of late Autumn 1977, and April, 1978 reveal that the enquiry held into the first incident has failed to deter this priest."

20.21 Canon McMahon went on to suggest:

"I consider it probable that Fr. McCabe needs psychiatric treatment. Perhaps he ought to be asked to consult a psychiatrist who would submit a report to Your Grace on his condition, and how it affects his pastoral ministry."

20.22 Canon McMahon then interviewed Fr McCabe and put to him the details of the second and third complaints. He pointed out to Fr McCabe the existence of a pattern consistent with the complaint of the first boy, in that it was complained in all three incidents that he had lain on the boys. According to Canon McMahon, after some hesitation, Fr McCabe admitted that he had had a once-off meeting with the altar boy in the Pro-Cathedral during which there was some sex play. He also admitted that there was some horseplay with the third complainant.

20.23 Once again, Fr McCabe expressed sorrow for his lapses. He said that he had consulted his confessor, and also a priest psychologist. In addition, he claimed to have completed a month's retreat during his vacation period. Fr McCabe was not asked to identify the priest psychologist. Although the Archdiocese now had grounds to suspect that Fr McCabe was not entirely truthful about these events, no inquiries were made to find out whether these three incidents were isolated events or, as was in fact the case, part of a long-established pattern of behaviour.

20.24 Canon McMahon assured Fr McCabe that the Archbishop was anxious to help him. He advised him that he should see a psychiatrist who would forward a report to Archbishop Ryan. Fr McCabe was not enthusiastic about the prospect of attending a psychiatrist. He mentioned that he had had a previous unhelpful meeting with a psychiatrist. In the circumstances, it was strange that he was not asked about the context in which he had had a previous need to see a psychiatrist. He suggested to Canon McMahon that he would ask the unnamed priest psychologist to furnish a report to the Archbishop. On Canon McMahon's insistence he agreed to see a psychiatrist. Canon McMahon arranged for Fr McCabe to see Professor Noel Walsh, Consultant Psychiatrist, at St Vincent's Hospital. Canon McMahon called on Professor Walsh to fill him in on the background. The documents do not record what Professor Walsh was told but his subsequent report indicates that he had been told that there had been a number of incidents in which Fr McCabe had become attached to young boys and had expressed overt affection for them.

20.25 Professor Walsh's report to Canon McMahon makes no reference to a history of events given to him by Canon McMahon. The history given by Fr

McCabe was of the onset of a problem three years earlier, which would indicate 1975 or 1976, one to two years prior to the first formal complaint. Professor Walsh characterised the history given by Fr McCabe as *“an atypical factor in this man’s history in that patients who present with this problem usually do so much earlier in their lives and they tend to have a persistent pattern”*. The incidents were attributed to depression. Professor Walsh concluded that Fr McCabe should be allowed to continue in pastoral work and to continue to attend him at six-to-eight-weekly intervals on a follow-up basis for six months to a year. The contents of Professor Walsh’s report raise the question, once more, as to whether or not Fr McCabe was telling the truth about his history of offending, yet there is no evidence that this question was ever asked. Furthermore, there is no evidence to suggest that Fr McCabe continued to attend Professor Walsh as recommended.

Artane, 1979 - 1981

20.26 In 1979, Fr McCabe was appointed a curate in Artane parish. The tone of the letter of appointment is warm and contains no reference to the events of the previous years. However, a memo written by Archbishop Ryan in 1981 states that, at the time of this appointment, he “spoke to Father McCabe reminding him of the seriousness of his actions and the risk that he ran of imprisonment, quite apart from the scandal that had arisen and the even more public scandal that could arise in the future”.

20.27 According to the memo, Fr McCabe “professed himself to be repentant and to appreciate fully the implications of his actions”.

20.28 This memo indicates that Archbishop Ryan had a fuller understanding of the nature and extent of Fr McCabe’s problems than other documents might suggest, yet Fr McCabe was sent to Artane without any supervision or monitoring of his behaviour. The parish priest was not told of his history. He was allowed to live alone. He was allowed to construct an oratory in the house, where he conducted “prayer meetings”. He took charge of the altar boys and was given responsibility for parish renewal, all of which gave him ready and unsupervised access to boys.

20.29 Fr McCabe was in Artane from July 1979 until the end of March 1981. The Commission is aware of eight boys who have complained of sexual abuse by him during that period. The abuse complained of took place mainly in his house beside

the church, where, in addition to conducting prayer meetings, he would sometimes organise slide shows in a darkened sitting room. The first Artane complaint of which the Commission is aware took place during the Pope's visit to Ireland in September 1979.

- 20.30 There is evidence that complaints were made to the Archdiocese about Fr McCabe's behaviour during this period, but no investigations such as were previously conducted by Canon McMahon were undertaken, nor was documentary evidence created or maintained in relation to complaints received. The Commission has been unable to establish definitively why this was so. As is described below, it is clear that Bishop Kavanagh and Monsignor Glennon were aware of complaints but they do not seem to have made any records of those complaints or of what, if anything, they did about them. Whatever the reason for the paucity of documentation, the fact is that only one contemporaneous written complaint exists for this period and that came couched in careful language from a priest in a rural area. In August 1980, he wrote to Archbishop Ryan:

"A friend came seeking advice on a disturbing matter that I think I should tell you about. This outstanding Catholic lady in your Diocese, who with her husband and family devote time and energy to helping the Church is shattered to learn of perverse interference with her adolescent boy 'a vicario cooperatore'.⁶⁸ I have advised her to be more protective of her family.

I have deduced that the incidents involved here are far from isolated cases in that particular context, so I considered it wise to tell you, having in mind only the good of the individual concerned.

If you wish to pursue this matter I can let you have the name of the lady and the other party."

- 20.31 This priest was telephoned by Archbishop Ryan and he sent a further letter in which he identified the person involved as "Rev McCabe cc (Patrick I think), Artane". There is no contemporaneous evidence as to the precise misconduct complained of nor is there any evidence that any canonical or other enquiry was conducted into this complaint. A memo prepared by Archbishop Ryan in March 1981 simply indicates that during Fr McCabe's time in Artane other cases were brought to the notice of the Archdiocese and that Fr McCabe

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An assistant priest or curate.

was spoken to and was referred to a psychiatrist, and to a psychologist. This psychologist gave evidence to the Commission. He was not aware that the referral had come from the Archdiocese; he understood the referral had come to him from the psychiatrist. At the time, he did not have expertise in child sexual abuse. The history given to him by Fr McCabe is of obsessive thoughts about young boys but no overt sexual behaviour. He described the presenting problem as "an urge for close physical contact with pre-pubertal boys and while this was not overtly sexual, it was frequently accompanied by ejaculation". His target group was stated to be nine to 12 or 13 year old, good-looking, well dressed boys. The frequency of incidents was stated to be three to four times per week, with half of the incidents being spontaneous and the other half premeditated. He did not perceive Fr McCabe as being a threat to others. He accepts that he was duped by Fr McCabe. Fr McCabe attended this psychologist between August and October 1980.

- 20.32 No reports appear to have been sought from these professionals by the Archdiocese. No change was made to Fr McCabe's duties or to his living arrangements. No monitoring or supervision of his behaviour was put in place.

Stroud, 1981

- 20.33 It took a complaint from the parents of one boy to the Gardai in March 1981 to bring matters to a head. The Commission has not been able to locate any of the details of this complaint in either garda or archdiocesan files. However Archbishop Ryan records that Bishop Kavanagh called to the parents and asked them not to press charges against Fr McCabe on the basis that he would be withdrawn from the parish to get treatment. Apparently, the parents eventually agreed to this and the complaint to the Gardai was not pursued.

20.34 Archbishop Ryan then did withdraw Fr McCabe from the parish. He asked Bishop Brendan Comiskey to make contact with the Servants of the Paraclete.

20.35 Bishop Comiskey believes he became involved in the Fr McCabe case because he knew something about the Servants of the Paraclete's house in Stroud in England from his previous position as secretary general of the Conference of Major Religious Superiors, (now known as the Conference of Religious of Ireland - CORI), a position which he held until his appointment as auxillary bishop of Dublin in 1979. Though Bishop Comiskey knew that there were serious allegations being made against Fr McCabe, he told the Commission that he was not told the details or the extent of the problem. The discrete task given to Bishop Comiskey was to find out from Stroud whether or not they would be able to treat this man and if so, what they would require in order to accept him. Bishop Comiskey established that there were three preconditions to Fr McCabe's acceptance by the Servants of the Paraclete:

- They required a "*letter of support*" from the Archdiocese stating that Fr McCabe was a priest of the diocese and that the Archdiocese would be willing to receive him back as soon as he was judged fit to resume ministry.
- They required a description of his difficulties with some emphasis on "*external damage*" done in his ministry. The purpose of this document was to enable them to confront Fr McCabe with tangible evidence of the effect of his misconduct on his ministry.
- They required the name, address and telephone number of his psychiatrist so as to enable their psychiatrist to make contact with him.

20.36 Archbishop Ryan met Fr McCabe and told him that he was being withdrawn from ministry and being sent to Stroud. Archbishop Ryan sent a "*letter of support*" to Stroud as requested. He also sent a three-page confidential memo setting out Fr McCabe's difficulties, as Archbishop Ryan saw them, as well as the "*external damage*" caused by his misconduct. This reveals that Archbishop Ryan was fully aware, at that time, of the criminal nature of Fr McCabe's misconduct and, further, he was aware that such misconduct was damaging to children. He summarised the damage done as follows:

- “1. The most distressing feature of Father McCabe’s failures is the effect they are likely to have on the young people involved. Apparently their ages range, in so far as I know, from 6 – 16.*
- 2. The parents involved have, for the most part, reacted with what can only be described as incredible charity. In several cases, they were quite apologetic about having to discuss the matter and were as much concerned for the priest’s welfare as for their child and other children.*
- 3. A particularly disconcerting feature was that access to the families was usually through acquaintanceship based on a variety of good works, whether of the parents or the children in question, e.g., altar boys; one or other parent involved in the management of a school (a father felt bound to withdraw his children from the local school because of what happened to one of his children); in another case, the mother was involved in charitable work in the parish. Having got access to the home through this acquaintanceship, Father McCabe abused a young son of six years of age.”*

20.37 The Archdiocese provided Stroud with the name of the psychologist. Stroud asked him for a report which he provided. Fr McCabe left his house in Artane at the end of March 1981. Another curate working in Artane at the time gave evidence to the Commission. He said he helped Fr McCabe to pack. Fr McCabe told this curate that he was being sent away and that he felt he was being badly treated.

20.38 Archbishop Ryan told this curate that Fr McCabe was being taken out of the parish because of his activities. The Archbishop was not specific but the curate was left in no doubt that it had something to do with child sexual abuse. The removal of Fr McCabe meant that this priest was now alone in the parish as the parish priest was away. When the parish priest returned, he was met by his young curate, who told him of the events which in the curate’s view, were “*a real bombshell*”. The parish priest’s main reaction was one of relief. He told the curate that he had had complaints about Fr McCabe and his behaviour with young people. There were no names mentioned but he had referred them to a vicar general of the diocese, Monsignor Glennon. The parish priest did not say what, if anything, had been done as a result of that, but he said that he had received another complaint or complaints, and, on that second occasion, he had gone to Bishop Kavanagh.

20.39 The Archdiocese told those who inquired about Fr McCabe's sudden disappearance that he had gone away for treatment for throat cancer and to ask for prayers for him. This was a plausible explanation as Fr McCabe had had problems with throat polyps which frequently led him to interrupt his celebration of mass to drink water.

20.40 Fr McCabe was brought to Stroud by his brother, Fr Phelim McCabe in April 1981. He spent four months there. The programme undertaken was apparently designed to enable him to come to understand the factors which led to his sexual abuse of boys so as to enable him to control his urges. In the early part of his course, his doctors were of the view that he was merely going through the motions so as to get out of Stroud and back to Dublin as soon as possible. His problem was identified as being a need to dominate and control, particularly at times when he had been put down or made to feel inferior and useless in his work. In an interim report sent to Archbishop Ryan in July 1981, Stroud summarised the position:

"In conclusion I would say that Fr. Pat shows a marked improvement over the time he came here. His self-possession and sensitivity has increased and he seems far more mature in his relationships with others. He is much more aware of his weakness and its power over him and wants very much to learn increasing control over it. The extent to which this is still a cerebral understanding and control and to what extent it is a real deep realisation and commitment only time will show."

20.41 During his period in Stroud, Fr McCabe wrote on three occasions to Archbishop Ryan. The letters do not show any remorse for the damage he had inflicted on numerous children as well as on his Church. The over-familiarity in tone and the self-serving pieties are striking. For example, he addressed the Archbishop as 'Dermot' which is very unusual. In one letter he compares his experience in Stroud to "*Christ's victimhood experience*". He also tellingly refers to his stay in Stroud as a "*retreat*" rather than a course of treatment.

20.42 Following four months of treatment, a final report was issued by Stroud in July 1981. It stated:

"We feel reasonably confident that he now has the necessary awareness of his particular difficulty and both the knowledge of himself and the resources necessary to make a new and fruitful start on his priestly ministry.

He will undoubtedly need a support system to enable him to continue and deepen the growth that he has begun here, and a work environment that does not pose too much of a stress in terms of his particular weakness. While not wanting to appear over confident with regards to this, we do feel that Fr. Pat has shown a real desire and determination to take the necessary steps to ensure that it will not continue to pose a real threat to his carrying out of his priestly ministry to which he is clearly deeply committed and called."

Clogher Road, 1981 - 1983

20.43 In September 1981, Archbishop Ryan appointed Fr McCabe as curate in Clogher Road parish. This letter of appointment, like the letter in respect of Artane, makes no reference to his previous difficulties or to his recent treatment for them. Fr McCabe thanked the Archbishop for his appointment and for his "*kindness to me when I was sick*". Once again, there is nothing to indicate that Fr McCabe had any insight into his condition nor was there any discernible 'firm purpose of amendment', to use the Church's own words in relation to remorse and contrition.

20.44 This time, however, his new parish priest was given some limited information about his problems. Archbishop Ryan told Fr James Kelly that, while Fr McCabe was in the Pro-Cathedral, he was in the habit of inviting young boys into his private oratory. Fr Kelly was not told anything about his recent misbehaviour in Artane. Fr Kelly told the Commission that the instructions given to him by Archbishop Ryan were:

- to ensure that Fr McCabe did not create an oratory in his house in Clogher Road, and
- to contact the Archbishop immediately in the event that Fr McCabe stepped out of line in any respect.

20.45 No other steps appear to have been put in place for the monitoring of Fr McCabe. While he maintained he had a support team in place consisting of a spiritual advisor, a psychiatrist and two priest friends, he was never required to identify these people to the Archdiocese. He was once again allowed to occupy a house on his own. His parish priest specifically told the Commission that he did not consider it his duty to monitor who was going in and out of the house. Fr McCabe stepped into the role of the previous curate and in that capacity was given free access to the schools of the parish. No information was given to the three other priests who were ministering in the parish. Fr McCabe was given charge of the confirmation class in one of the schools and it was from that source that the next official complaint arose.

20.46 Before that formal complaint was made in or about May 1982, there was a series of events in January and February 1982 which should have caused serious concern, if not alarm, within the Church authorities. Fr McCabe was due to return to Stroud for an up-to-date assessment. He decided not to go and it took strenuous efforts by a number of people, including the Archbishop, to persuade him to go for a few days. Stroud considered a longer stay was needed.

20.47 The report from Stroud must have been a source of worry for Archbishop Ryan because, notwithstanding the four months of treatment that he had undergone in 1981, Fr McCabe now, in early 1982, was showing resentment at having to attend Stroud and was intent on presenting the best possible picture of himself rather than facing the problems which he had. Stroud's overall impression was that Fr McCabe did not want any long term supervision over him. He was in fact working for effect, attempting to give the right impression, rather than being honest about where he was. He was asked to give the team in Stroud the names of his psychiatrist and spiritual director and a release of information so that they could forward to his psychiatrist a copy of the report and other information that they felt might be necessary to assist him in his work. Fr McCabe refused to divulge their names ostensibly because he was not sure that they would be willing to have their names known to Stroud. It is a remarkable fact that throughout this period Fr McCabe was never obliged to disclose to anyone the identities of the support team which he claimed to have put in place.

20.48 Stroud drew up a contract for Fr McCabe to sign which detailed the sort of provisions that they felt were necessary *"to enable him to function fully and happily as a priest and to grow and develop as a person"*. It was planned that the contract would be signed on Fr McCabe's next visit to Stroud which was due to take place in April 1982. The contract was never signed. The draft contract had five main provisions; the two which were always likely to cause most difficulty for Fr McCabe were those which required that the two priest friends who were to supervise his adherence to the contract were to be identified to the Archdiocese and that any group of priests with whom he worked would be required to be made aware of his weakness so as to assist him in avoiding what might be termed 'occasions of sin'.

20.49 As the time approached for his return visit to Stroud in April 1982, Fr McCabe again tried to avoid returning despite having agreed to do so in February 1982. He told Archbishop Ryan:

"I have a support team set up here since October. I frequently visit a very well qualified, compassionate and helpful psychiatrist. Also frequently I visit a highly trained and spiritual, spiritual director. Both of them know each other and live within fifteen minutes of me, and they have read my case history which I gave them in October. I have a few priests who keep constant contact with me. I feel that these people understand the scene in which I live. I have trust in them. They are challenging and helpful.

My English therapist and lecturer helped me to come to the stage where I am at now. I must be grateful to them for that.

I feel that the people who can help me best now are the team that I refer to. Thank you for your trust."

20.50 Once again, Fr McCabe failed to name the people who he claims constitute his support team. In this connection, the Commission questioned all living priests known to have been friendly with Fr McCabe during this time, and each of them denied being a member of his support team. Each of them also denied any knowledge of the identity of any priest who might have been a member of that team. The unnamed psychiatrist was never asked for a report.

- 20.51 There is no evidence that Fr McCabe was instructed to attend or did, in fact, attend Stroud as planned in April 1982.
- 20.52 Within weeks there was another complaint. The complaint was of sexual interference with a boy in the confirmation class. According to Fr Kelly, following the confirmation ceremony, Fr McCabe invited a young lad into his house and *"seemingly handled his clothes and straightened his tie and all that and the parents obviously were a bit annoyed and a bit worried when they heard this, so much so that they decided they'd have a word with me "*. While the parents, according to Fr Kelly, never mentioned the phrase sexual abuse, Fr Kelly was clear that their annoyance stemmed from the intimate handling by Fr McCabe of their son.
- 20.53 Fr Kelly told Archbishop Ryan about the complaint. Fr Kelly stated that Archbishop Ryan remarked that the incident was *"more or less the same as what used to happen in the Pro-Cathedral"*. Fr Kelly got the impression that Archbishop Ryan was troubled by his report on Fr McCabe. He recalls the Archbishop musing out loud: *"In the name of God, what does one do with a man like that? And to suggest sending him away, he's quite liable to say no. And what does one do then?"*.
- 20.54 The Archbishop met Fr McCabe immediately and then formally removed his faculties to preach, hear confessions or celebrate mass in public. He told him that Bishop Comiskey would make arrangements for him and he was to follow the bishop's instructions.
- 20.55 The new arrangement was to send Fr McCabe to the Servants of the Paraclete at Jemez Springs, New Mexico where, since the 1970s, they had been running *"a renewal program"* in respect of priests who had sexually abused. The primary inquiries and the arrangements once again appear to have been made by Bishop Comiskey. According to Bishop Comiskey, Archbishop Ryan may not have had any great belief that the Servants of the Paraclete in New Mexico could achieve what their brethren in Stroud had failed to achieve, namely, the rehabilitation of Fr McCabe, but in deference to the great friendship and respect he had for Fr McCabe's brother, he was willing to allow him to undergo a further course of treatment.

Jemez Springs, 1982

- 20.56 Fr McCabe was extremely reluctant to go to New Mexico and made every effort to avoid going. He pleaded inability to get a visa, which in 1982 was a credible excuse as visas for a stay in the USA were difficult to obtain. Bishop Comiskey, as an American citizen, liaised with the US embassy and a visa for the purpose of obtaining medical treatment in the US was obtained. Fr McCabe continued to prevaricate. He pleaded lack of funds and was advanced £500. In a last ditch effort to avoid the inevitable, he claimed to have lost the visa, that it had gone in his clothing to the dry cleaners. To ensure that he arrived at his destination his brother, Fr Phelim McCabe, accompanied him to New Mexico.
- 20.57 The cover story in Fr McCabe's personnel file in the Archdiocese recorded that *"with effect from May 26th 1982, Father McCabe has transferred to study further in U.S.A"*.
- 20.58 The course in Jemez Springs, which is in a fairly remote rural part of New Mexico, was of a different order both in intensity and indeed in expense. (The Archdiocese spent a total of about £29,000 (€37,000) in treatment and ancillary costs for Fr McCabe between the years 1981 and 1987). The programme at Foundation House, Jemez Springs was a 20 week programme with a follow up programme designed to reintegrate the client with the significant people in his life so as to facilitate his re-entry into the Archdiocese. It involved physical, psychological, spiritual, psycho-sexual, intellectual and social modules.
- 20.59 Fr McCabe started the programme in July 1982 and completed it in December 1982. Archbishop Ryan wrote to the director of the programme and enclosed the February 1982 report from Stroud. Unfortunately, the Commission did not receive a copy of Archbishop Ryan's letter and so is not aware of what other information was supplied to them. The first detailed report from Jemez Springs was sent in August 1982. It is noticeable that the report identifies many of the traits that had been earlier identified by Stroud.
- 20.60 By November 1982, Fr McCabe was coming towards the end of his treatment. A decision needed to be taken as to what was to happen next. He wanted to return to Ireland, but the psychiatrist in charge of his treatment had

reservations because *"he only feels 70% sure that Pat will not get sexually involved with children again. The recidivism rate for people involved with children is very high and also Pat's recidivism history is not good"*.

- 20.61 The course director was of the view that Fr McCabe should stay in the USA for another six months in an extended care facility. In a report in November 1982 he stated:

"Basically, Archbishop, it seems to me that Pat does need to remain here for a period of time after completing the program. Since the recidivism rate for people involved with children is very high, we would feel much more comfortable if Pat could be involved with some halfway setting whereby he could also meet with a therapist to discuss experience that he has, particularly around young children. We have several possibilities in mind for this, including our house in Cherry Valley, California or our house in St. Louis Missouri. In addition it might also be possible for Pat to remain here in Albuquerque and participate in a halfway program..."

In the beginning of June, 1983, Pat will be expected to return here to Foundation House for a follow up workshop. At that time, we could reevaluate his situation and I feel that this might be a better time for him to return to Ireland. After an experience in a halfway setting, we would have a better handle on Pat's experiences in ministry and could be able to determine whether or not he has a grip on his problem."

- 20.62 Archbishop Ryan accepted this recommendation. In November 1982, Jemez Springs wrote to the Archbishop of Santa Fe seeking permission to have Fr McCabe work with priests who knew his history in a parish in Alameda, a suburb of Albuquerque. Archbishop Ryan formally wrote to the Archbishop of Santa Fe giving permission for Fr McCabe to pursue a six month ministry in Alameda parish.

Christmas, 1982

- 20.63 Meanwhile, Fr McCabe came back to Ireland for his Christmas holidays. He was not placed under any supervision during his stay. He had access to a car and frequented a number of his old haunts in Palmerstown and Clogher Road.

20.64 On 20 December he is alleged to have made sexual advances to a sixteen-year-old boy whom he had sought out and to whom he had offered a lift in his car. He used his regular opening gambit asking the boy "What do ships do when they pull into harbour? Ties up" and then flicking his tie up he asked the boy to kiss him like his mother would and pulled the boy close to him. The following day, the boy's parents complained to the parish priest, Fr Con Curley. Apparently Fr Curley explained to the parents that Fr McCabe was a sick man and had been away for treatment. The Archbishop's memo of these events notes that the parents did not make any reference to civil proceedings. Fr Curley offered to see the boy.

20.65 On 21 December 1982, Fr McCabe, presumably having learned of the complaint, called to see the boy's parents and tried to explain the incident away by saying that this was the way it happened in America, where the men kiss one another. Archbishop Ryan's memo of these events also records that Fr McCabe wrote a personal letter to Fr Curley to assure him that there was nothing wrong. It appears that the Archbishop learned of the incident in a telephone call from Bishop Comiskey on the evening of 21 December 1982. He appears to have discussed the problem with Monsignor Gerard Sheehy, one of the foremost canon lawyers in the Archdiocese and the judicial vicar at the time. The following day, Monsignor Sheehy wrote to the Archbishop:

"I do not know anything like all the facts about yesterday evening's problem. So, for the moment, I can advise only tentatively.

But I did think about it anxiously, last night. My one clear thought is that, whatever the immediate action (and I agree that some positive action has to be taken) it must not be suspension. Suspension would bring you straight into the realm of penal law, with all its implications of crime, and culpability. From what you told me, my strong impression is that one is dealing with a very sick man, not with a "criminal".

I do think it is possible to work out another solution, allowing that the Archbishop must take firm action. I am sorry that, on the eve of Christmas you should be saddled with this anxiety. If I can help in any way, I most certainly shall."

20.66 On the morning of Christmas Eve, Archbishop Ryan first met Fr Curley and later met Fr Patrick McCabe and his brother Fr Phelim McCabe. More than one witness told the Commission that the Archbishop, who was usually very punctual, was so exhausted by the end of that Christmas Eve that he fell asleep at home and was late for midnight mass in the Pro-Cathedral.

Return to Jemez Springs, 1983

20.67 The records do not show, and none of the witnesses interviewed by the Commission has been able to explain, what happened in the immediate aftermath of these events. However, we do know that by 5 January 1983, Fr McCabe was back in Jemez Springs. He was now deemed by the Servants of the Paraclete to be a paedophile and the treatment to be afforded to him was for paedophilia. He was removed from the renewal and reorientation course which had been conducted in Foundation House to another area of their campus called Villa Louis Martin. There he came under the care and supervision of Fr Benedict Livingstone SP, who was director of Villa Louis Martin. On the day of his arrival, he entered a contract with the Servants of the Paraclete which, in effect, placed him under house arrest and in which he consented to undergo assessment for treatment with the drug Depo-Provera.

20.68 Depo-Provera, primarily used as a long acting contraceptive, had been shown in studies in the USA to lessen the testosterone level and consequently the libido, and therefore was helpful in controlling the urges of sexual deviants. Information on the drug and its use in treating sex offenders was sent to Archbishop Ryan by Jemez Springs.

20.69 Fr McCabe was started on Depo-Provera in February 1983. A progress report was sent to Archbishop Ryan in March 1983. Tests had shown a demonstrable reduction in his libido. As a result, the restrictions on his movements were relaxed and he was allowed into the city of Albuquerque.

20.70 The Archbishop was asked for advice on what was to happen next. Jemez Springs put forward a number of possibilities. The first was that Fr McCabe should remain in Jemez Springs until the follow-up workshop which was scheduled for June 1983. If this course was adopted, it was suggested that he should become involved in some ministry outside the treatment centre. It was acknowledged that there was something of a risk attached to

this but the true results of the drug therapy treatment could not be assessed until he returned to ministry. An alternative suggestion was that Fr McCabe would move to some of the other Servants of the Paraclete houses in the USA, where he could begin to do some ministry and where they could still monitor his behaviour and the effects of the drug therapy.

20.71 Archbishop Ryan was asked about the possible return of Fr McCabe to the Archdiocese of Dublin. It was pointed out that, if and when Fr McCabe returned to Dublin, he would need to remain on Depo-Provera. The question of the drug's availability in Ireland and the possible monitoring arrangements were raised. There is an undated, unsigned memo on the Archdiocesan file which appears to be in the handwriting of Archbishop Ryan which suggests that he made some enquiries as to the possibility of ongoing treatment for Fr McCabe, in Ireland. It states: *"Tried 2 Dr's [doctors] Prognosis good if on drug Visa runs out mid June"*.

20.72 In April 1983, Archbishop Ryan agreed to Fr McCabe's involvement in ministry in the Santa Fe Archdiocese and cautioned that the archbishop of that diocese would need to be fully briefed as to his circumstances. Archbishop Ryan said he would discuss Fr McCabe's possible return to Dublin on the telephone. This telephone conversation took place in mid May 1983. There is no direct record of the contents of the conversation. However, a letter from Jemez Springs in May 1983 shows clearly that Archbishop Ryan did not want Fr McCabe back in the Archdiocese of Dublin and was very concerned about the use of Depo-Provera in Ireland. The Director of the programme wrote:

"When Father McCabe returned here in January, after the incident with a young man while he was visiting home during December, I thought that it was understood by all that we would begin the drug treatment with Depo-Provera. Because of this, we began the initial procedures and blood tests and then initiated this drug treatment.

Over these months, Father McCabe has been receiving Depo-Provera on a regular basis. It has, in our opinion, greatly decreased his compulsive behavior in the area of pedophilia. I also thought that it was understood that Father McCabe would need to remain on this drug for the remainder of his life if he were to control this compulsive

sexual acting out. I believe that I sent you the information concerning this drug sometime in January...

We feel confident, if Father McCabe remains on this drug therapy, that he can continue to function in the active ministry. As you may know, as a result of the Depo-Provera treatment, one's blood testosterone level goes almost to zero and one loses [sic] the inclination towards any sexual fantasies. Also, if this drug is given on a regular basis, one becomes impotent. Compliance with the treatment can be checked by periodic blood testosterone level tests.

This drug has been used in Scandinavia, West Germany, the British Commonwealth and in the United States for a number of years in treating a variety of sex offenders. When someone is on the drug the chances of repeating the sexual acting out is greatly reduced. The success in using Depo-Provera is close to 100%.

In the professional opinion of our psychiatrist and the staff, as long as Father McCabe continues taking this drug, the probability that he will become sexually inappropriate with adolescent males is extremely low. [His psychiatrist] has been meeting with Father McCabe regularly since he began receiving the Depo-Provera and has monitored its effects...

I did explain to you on the telephone that we could not find an assignment for Father McCabe here in the United States. Of course, Bishops are very cautious in terms of taking a strange priest who has had such a difficulty. However, this does not mean that you could not give him another opportunity to prove himself, as his own Archbishop. I do understand that there may be some ethical or moral problems with the use of this drug in Ireland. However, I would like to mention here the theological ramifications of Double Effect. It would seem to me that it is far better for Father McCabe to continue in the active ministry, if at all possible, while using this drug rather than to leave the priesthood or be urged to give up his active ministry. As I also stated before, this was the understanding that I had when we began the treatment with Depo-Provera.

If it is not possible to obtain or use Depo-Provera in Ireland, there is another drug that has similar effects that can be obtained in Great Britain. It is called Cyproterone Acetate. This drug is also an anti-androgen but is not used for birth control. It is basically used for males and for treating tumors of the prostate gland. This drug also lowers the testosterone level in the same manner as Depo-Provera.

Father McCabe agrees that he needs to remain on this drug. He has been able to observe the significant changes in his own bodily reactions and in his sexual attractions. I do believe that he will take the responsibility in terms of obtaining the drug for himself and will find a physician who can administer and monitor it.

I spoke with Father McCabe for three hours after our telephone conversation. I did mention to him that you had suggested the possibility of sending him to a monastery. After consultation with [his psychiatrist] and the other staff people here, we do not recommend this at the present time. I do understand that you are having difficulties in terms of finding an assignment for Father McCabe in the Archdiocese of Dublin. Perhaps too many people know of the past incidents. However, we do believe that he should be given another chance while on the drug treatment. Perhaps you could help Father McCabe in terms of locating in another Diocese, at least temporarily. In this way, his behavior could be monitored and the success of the drug treatment could be assessed.

I know that this situation causes many difficulties for you. However, Father McCabe has complied with the treatment here which has, at times, been painful and harsh. Also, he does have many talents and abilities that can be of service in the active priesthood. Further, we do not feel that he has the personality to remain for a long period of time in a monastic setting. Finally, and most importantly, he feels very strong concerning his commitment to priesthood and wants to continue functioning as an active priest.

I am hopeful that this information will help you in making some type of decision concerning Father McCabe. He is going to remain here for the follow-up workshop that will be held from June 6 through June 11. After this, he will be returning to Dublin at my request. We feel that we have done everything that is humanly and spiritually possible to be of service to Father McCabe and to you. I hope that you will be able to discover some possible ministerial setting for Father McCabe after talking with him."

- 20.73 In June 1983, Bishop Comiskey was asked to make inquiries about extending Fr McCabe's American visa. Even though a visa extension could have been obtained in the USA, Fr McCabe arrived back in Dublin in the summer of 1983, and stayed with his brother.

Santa Rosa diocese, 1983 - 1986

- 20.74 The Archbishop, meanwhile, was making efforts to ensure that Fr McCabe's stay in Dublin would be brief. He contacted Bishop Mark Hurley, of the diocese of Santa Rosa, California, who clearly was known to him. It appears that Archbishop Ryan asked him to, as it were, 'rid me of this troublesome priest',⁶⁹ and Bishop Hurley agreed. Presumably Fr McCabe's full history was made known to Bishop Hurley. The Commission did not seek confirmation on this point from the Santa Rosa Diocese as it is aware that in 1995, when issues of child sex abuse were being investigated in the Santa Rosa Diocese, Bishop Hurley, who was then assigned to Rome, swore a deposition to the effect that he had torn up all confidential personnel records before his resignation in 1987.⁷⁰

- 20.75 In 1995, Monsignor John Wilson, who was Archbishop Ryan's secretary in 1983, recalled that he was in Archbishop Ryan's study while the Archbishop spoke by telephone to Bishop Hurley. Monsignor Wilson's recollection was that Archbishop Ryan explained to Bishop Hurley the personal difficulties that Fr McCabe had been treated for and, to the best of his recollection, the nature of the treatment.

⁶⁹ As reported to have been said by Henry II in respect of Thomas Becket, Archbishop of Canterbury (later St Thomas) in the 12th century.

⁷⁰ www.bishopaccountability.org

20.76 In June 1983, Archbishop Ryan wrote to Bishop Hurley confirming in writing the arrangements made earlier with him regarding Fr McCabe and he provided the following statement to the diocese of Santa Rosa:

"I understand that Father Patrick McCabe has applied for a visa to work as a diocesan priest in the diocese of Santa Rosa, California, U.S.A., on a temporary basis. I am aware of this application and approve of his going to work as a priest in your diocese in view of the pastoral needs of the immigrants from Ireland and other English-speaking countries...

When Father McCabe has completed his temporary service in the diocese of Santa Rosa, he will be accepted back into this Archdiocese of Dublin, Ireland, in which he has been incardinated from the time of his ordination."

20.77 It was almost three years before Fr McCabe next surfaced as a problem for the Dublin Archdiocese. By then, Archbishop Ryan was dead, and his successor, Archbishop Kevin McNamara, was seriously ill.

20.78 On his arrival in Santa Rosa diocese, Fr McCabe had been assigned as a curate to Eureka, Northern California. The Commission does not know whether Santa Rosa diocese monitored Fr McCabe to ensure that he continued to adhere to the drug therapy prescribed for him. Initially however, he appears to have got on well. In January 1985, Bishop Hurley wrote to Archbishop McNamara to congratulate him and to wish him well on his recent appointment and in the course of the letter stated:

"At the request of Archbishop Ryan I accepted into the diocese on a trial basis Fr. Patrick McCabe of the Archdiocese of Dublin. I am happy to report that he seems to be very happy and doing quite well in St. Bernard's Parish in Eureka California."

20.79 By the end of 1985, however, things had changed. Stories of inappropriate conduct began to emerge from Eureka. Bishop Hurley removed him from there and, following a brief locum appointment in another town, declined to offer him any further appointment. In March 1986 Fr McCabe wrote to Archbishop McNamara setting out the position as he saw it:

"I write to you about my present position, and to keep you informed."

I was very happy and fulfilled in my ministry in Eureka C.A. (Santa Rosa Diocese) for the past few years. I was liked by the people, and I liked them, and I made many friends. My health, T.G. is also very good. I continue to take the help and the support I need. I have grown away from the problems that entered my life surprisingly and abruptly some years ago. It happened during the time of my long Dublin Pro-Cathedral (8 McDermott St.) ministry with the centre-city bombings, and later my involvement with the aftermath of the Stardust disaster in Coolock. I have tried to put into practice what I learned in therapy and the great services that Dr. Ryan put at my disposal.

Though my dealings with young people has to be monitored and controlled I feel that I can effectively minister to them at school and in the family circle as effectively as I did in my ministry, before this, in the past. I did help a number of young people in my Dublin parishes who are now priests of the diocese.

It came as a great disappointment to me when Bishop Hurley, whom I always found very friendly and helpful, whom I trusted, said that he was to discontinue my services. He has made it clear that I did not do anything wrong, but he received some complaint or complaints from a person or persons, who were uncomfortable in their observation of me. I was not told the nature or source of the complaint. Because of recent publicity here in the media and the legal implications about child abuse Bishop Hurley reacted very strongly. A great number of parishioners wrote to the Bishop, especially those with families, and many in posts of responsibility with whom I worked closely. They endorsed my ministry in general and many said that they were comfortable with my relationship with them, and the members of their families. The Bishop sent them a circular letter and said that "my good work at St. Bernard's was not at issue", which they, nor I could not [sic] understand.

He asked Bp. Hurley if I was willing to fill a vacancy in another parish until the "new pastor was appointed and established" and that I have done and completed. (The entire town was flooded two weeks ago

and the church on the hill became the refuge of 400 people) The Bishop now says that he has no appointment for me”.

20.80 It is striking that there is no mention in this letter of the medication and blood tests which, only three years earlier, had been deemed essential to curb his paedophile tendencies. Indeed, not once in the ensuing years is there any evidence that Fr McCabe was asked by any official of the Dublin Archdiocese whether or not he was still taking the necessary medication or undergoing the blood tests necessary to monitor the medication's effectiveness.

20.81 Despite Archbishop Ryan's undertaking to Bishop Hurley in 1983 that Fr McCabe would be accepted back into the Archdiocese of Dublin when he had completed his temporary assignment, it is clear from the limited documentation available that he was not welcome back in Dublin. Archbishop McNamara replied to Fr McCabe's letter in May 1986. This makes it clear that Archbishop McNamara had discussed with Bishop Hurley the circumstances in which Fr McCabe's appointment had been ended. Archbishop McNamara, in his reply, recites the fact of the previous difficulties and states that, having discussed the matter fully with the council of the diocese, he regretted to have to say that he felt unable in the light of the advice given to him, to offer him an appointment in the diocese. He went on to suggest that, if Fr McCabe was successful in obtaining another appointment in the USA, that would enable him to continue in his priestly ministry.

Back in Dublin, 1986

20.82 Out of work, and with no immediate prospect of another appointment, Fr McCabe came home to Dublin in May 1986. The ostensible reason for his return was the celebration of the 25th anniversary of his ordination. He stayed, at least initially, at an address in Clontarf, where Archbishop McNamara wrote to him to congratulate him on the occasion of his silver jubilee and enclosed a copy of his earlier letter refusing him an appointment in Dublin. He met Fr McCabe. A memo of that meeting suggests that Fr McCabe accepted that the Archbishop could not offer him an appointment in the Dublin Archdiocese. He requested the Archbishop to provide him with a letter of introduction which he could use in approaching an American diocese.

The Archbishop agreed to provide such a letter and he further agreed that he would arrange for Fr McCabe to receive financial assistance until such time as he managed to obtain an appointment in the USA.

20.83 To the knowledge of the Archdiocese, Fr McCabe stayed on in Dublin for the summer of 1986. His activities appear to have been entirely unmonitored, despite the Archdiocese's knowledge that he had been declared a paedophile and despite its knowledge of many complaints against him. He moved from house to house and he had the use of a car. In July 1986, he moved into a house in Palmerstown, the property of a garda chief superintendent.

20.84 Fr McCabe appears to have applied immediately to the diocese of Los Angeles for work as a priest. In July 1986, Archbishop McNamara wrote to Archbishop Mahony of Los Angeles, stating that, from June 1983 to May 1986, Fr McCabe had worked in the diocese of Santa Rosa on a temporary basis with the approval of the Archdiocese. He described Fr McCabe as a good worker who was prayerful and very attentive to his priestly duties. He explained that, because of his over involvement with young people, it was felt, following a series of courses and counselling, that it would be advisable for Fr McCabe to work outside Ireland. Archbishop Mahony was told that Bishop Hurley of Santa Rosa would be able to advise him on how Fr McCabe had fared in his ministry during his three years there. The letter concludes: *"I would appreciate it if you would give Fr. McCabe's application a favourable consideration. If I can be of any further assistance to you in considering Father McCabe's request for work please contact me".*

20.85 To those in the know, this carefully worded letter constituted sufficient warning as to Fr McCabe's tendencies. The Dublin Archdiocese, while representing to Fr McCabe that it was amenable to his securing another position in the USA, was at the same time ensuring that he had little chance of actually getting such a position. Telephone calls appear to have been exchanged between Archbishop McNamara and Archbishop Mahony, and Fr McCabe does not appear to have been offered work in the Los Angeles diocese.

20.86 While this was happening, Fr McCabe was free to move as he pleased, without supervision. He visited a priest friend in a rural part of the Archdiocese where he spotted a young boy who, unfortunately, he is alleged to have sought out to molest a year and a half later, in January 1988. He put out the word among his former classmates that he was available for supply work during the holiday period, and though by now, numbers of his classmates were aware of the fact, if not the extent, of his problems, they also knew that he had concelebrated mass with them in Clonliffe at the silver jubilee celebrations, and so assumed, not unreasonably, that he was in good standing in the Archdiocese.

A week in August 1986

20.87 Through a classmate, Fr McCabe learned that a particular priest was urgently looking for someone to stand in for him while he was on holidays. As Fr McCabe had been recommended to him by another priest in the Dublin Archdiocese, the priest did not consider it necessary to make any inquiries as to Fr McCabe's suitability to do supply work. In the space of one week in August 1986, the following events occurred.

20.88 On Sunday, Fr McCabe turned up to say mass in the parish. A nine year old boy was asked by a local nun to serve mass, as there was no one else available. The following day, Fr McCabe called to the boy's house and asked him to serve mass again. He did so and, after mass, it is alleged that Fr McCabe abused him. The abuse described was broadly similar to that described by previous complainants. Fr McCabe gave the boy a T-shirt and a prayer book.

20.89 The boy went home and told his mother what had happened. His parents brought him to the sexual assault treatment unit in the Rotunda hospital and immediately afterwards went to their local garda station to make a complaint. The initial garda reaction was exemplary. The garda who received the complaint arranged for a colleague to attend at the boy's house that very evening to take his statement. A detective garda took a comprehensive statement which included a lot of surrounding detail capable of independent verification, and had the statement witnessed by the boy's mother. The detective garda took possession of the prayer book and T-shirt given to the boy by Fr McCabe. The garda held on to these potential

exhibits, in case this matter ever came before the courts. He still had these items in his possession at the time of his retirement from the Gardaí in 2002. This garda took no further part in the investigation. The following morning, the investigating garda went to the local presbytery to inform Fr McCabe of the complaint made against him and to invite him to attend at the local station for interview. The Commission is of the view that when the investigating garda arrived at the presbytery, the irate father of the boy was already there confronting Fr McCabe in relation to the assault. Fr McCabe later characterised this confrontation as an over-reaction by the father to the situation.

20.90 According to Fr McCabe, on being informed by the investigating garda of the complaint made against him of indecent assault, he offered to make a statement on the matter but was advised by the garda not to do so. This was denied by the garda, who told the Commission that his recollection was that Fr McCabe wished to conduct the interview there and then and that he (the garda) wanted to conduct it in the more formal setting of the garda station.

20.91 In any event, Fr McCabe did attend at the garda station later that same day in the company of a friend who was a retired garda sergeant who had served in that district. According to the two gardaí who conducted the interview, which was a voluntary interview, they put each of the allegations contained in the boy's statement to Fr McCabe. Each garda told the Commission that he took no notes of Fr McCabe's responses, although each formed the view that Fr McCabe was lying. It strikes the Commission as extraordinary that no notes were taken during the course of this interview as the very purpose of the interview was to ascertain and note the response of Fr McCabe to the complaint being made against him. Unfortunately, as the garda file on this investigation is missing, the Commission has no means of crosschecking the gardaí's evidence in this respect.

20.92 One of the gardaí spoke with the retired garda sergeant who had accompanied Fr McCabe to the station. This retired garda sergeant was disinclined to believe any wrong of Fr McCabe. That same evening, Fr McCabe went to the home of Garda Chief Superintendent Joe McGovern. Fr McCabe had been staying in a house belonging to the chief superintendent since July. He made certain limited admissions to the chief superintendent

who did not convey them to the investigating garda, but who did convey them and the fact of the garda investigation to his local parish priest, Fr Curley. When asked by the Commission why he took this course, the chief superintendent replied that he considered Fr McCabe's behaviour to be a matter for the Church to deal with. This was despite his knowledge that an investigation had just commenced into an allegation of indecent assault. When asked why he did not consider it appropriate to notify anybody in the civil authorities about the admission made to him by Fr McCabe, the chief superintendent responded:

"I didn't report - I didn't consider it appropriate to notify the local gardaí in case - they could even think I was meddling. I took the course that I thought was the proper course at the time. I contacted the local curate who was a very conscientious person and I knew who would take it on board and he did take it on board and he got onto the Archbishops House about the matter and he subsequently told me that he got onto the superintendent in Ballyfermot. So I think there was no omission on my part there."

20.93 When pressed on the point, the chief superintendent stated that the question of disciplining the priest was a matter for Archbishop's House who were in the main responsible for the priest.

20.94 The following day, the Archdiocese, having been notified of the investigation by the chief superintendent, got involved in the matter. The detective garda handling the investigation contacted an official in the office of the Director of Public Prosecutions (DPP) seeking advice. The investigation stopped. No further inquiries were made by the Gardaí. The boy's statement was full of detail which could have been independently verified by taking statements from third parties. No such statements were taken. No statements were taken from the boy's parents. The boy's father, in particular, had useful evidence to offer. He later told a Church official that Fr McCabe, when confronted by him, said that "*this*" had happened several times before and that he got carried away with children. Even though the Gardaí knew that Fr McCabe intended to return to the USA, no warrant was sought for his arrest. The explanation given to the Commission by the investigating garda for the failure to take additional statements was that he did not want to expose the boy within the community as having been indecently assaulted by

a priest. The Commission does not find this explanation convincing, plausible or acceptable.

20.95 As the garda investigation stopped, the Archdiocesan investigation got underway. The Archdiocese's handling of events was facilitated in significant ways by the Gardaí. As already described, Fr McCabe visited Chief Superintendent McGovern who rang Fr Curley. According to his contemporaneous account, Fr Curley went to see another superintendent in a garda station. While there, he was given the boy's statement to read. This superintendent denied to the Commission that he had met Fr Curley at all. He stated that sometime later he met another priest from Archbishop's House in relation to the matter. While there was a priest with this name in the Archdiocese, he did not serve in the archdiocesan administration and had not been asked to take any steps on behalf of the Archdiocese in the matter. The superintendent further denied that he allowed Fr Curley to read the complainant's statement or facilitated his reading of it in any manner. While the Commission cannot fully determine the issue in the absence of some of the relevant parties, it prefers the evidence contained in the contemporaneous memo of Fr Curley. This was prepared by Fr Curley for his superiors in the Dublin Archdiocese and he would never have expected it to enter the public domain. Further, the Commission cannot conceive of any reason why Fr Curley would state that such a meeting had happened if such were not the case. The Commission's view in this regard is supported by the evidence of Chief Superintendent McGovern who told the Commission that, after the event, Fr Curley had confirmed to him that he had met the superintendent. It also appears clear to the Commission that someone told Fr McCabe that he was out of the woods in respect of this complaint because, in early 1988, when taxed with yet another sexual assault by the Church authorities, he commented that the warrant in respect of this incident had expired. In fact, no such warrant had been issued. The Commission is of the view that this particular garda investigation was marred by Church interference which was facilitated by the Gardaí and which was material in allowing Fr McCabe to evade justice.

20.96 After his meeting with the superintendent, Fr Curley met Bishop Williams. It was decided that Fr Curley should contact the boy's parents as soon as possible in an *"unofficial capacity"*. That meeting was arranged to

take place in the garda station where the complaint had been made. According to Fr Curley, this arrangement was facilitated by the Gardaí. The investigating garda told the Commission that he had no recollection of arranging this meeting but he did not deny that it had occurred. Fr Curley got the boy's statement and agreed to send it to Archbishop's House.

20.97 The Commission interviewed the superintendent of the district, the detective inspector in charge of investigations and the three gardaí involved in the investigation in relation to this matter. Each of the five agreed that it was entirely improper that the church authorities should have been given a copy of the complainant's statement. The detective inspector went so far as to state that he would view the handing over of the statement as a serious disciplinary matter. Each of the five denied that he had been responsible for giving the complainant's statement to the Church authorities. The Commission is, however, satisfied that the Church authorities received the statement from the Gardaí but is not in a position to identify with certainty who was responsible.

20.98 Meanwhile, Fr McCabe prepared a statement of his version of events. This was given to Archbishop's House but not to the Gardaí. In it, he said that he and the boy *"exchanged the kiss of peace during mass with an embrace"*. He said he gave the boy a T-shirt and a prayer book but *"At no time did I interfere with him privately"*.

20.99 Bishop Carroll (who was in charge of the Archdiocese in the interregnum between Archbishop McNamara's death and the appointment of Archbishop Connell) and Bishop Williams (who was in charge of the archdiocesan finances) met Fr McCabe and compiled this report:

"He [Patrick McCabe] denied any sexual assault, but made vague references to hugging and petting and included some reference to offering the child a change of clothes. He admitted that it was the first and only occasion on which he has broken his rule of never being alone with young people, since he had problems previously. He resisted strong pressure to consult the Servants of the Paraclete in California, when he returns there, in the light of his previous treatment with them. He indicated an intention of travelling to California to take up a course in Pastoral Training in Hospital Work, commencing in October. Out of this, he would hope to obtain a post in Pastoral

Ministry in hospitals in America. He also indicated a feeling of hurt at the fact that the Archbishop had indicated to him on his return in June that he would not get an appointment in this diocese. When asked why his appointment in America had ceased, he said that his contract had been for three years and the Bishop had indicated that he was not renewing it, but had given him no specific reason. Under questioning, he did admit that during the three-year period the Bishop had, on a number of occasions, expressed unease at Father McCabe's over familiarity with young people".

20.100 At the conclusion of that meeting, Bishop Williams gave Fr McCabe a cheque. In his memo of the event, he also raised the issue of insurance for the diocese "*in matters of this sort*", which had been under active consideration by the Archdiocese for some time. Approximately one month later the Archbishop met the Church and General Insurance Company to expedite the question of insurance. An insurance policy was issued in March 1987 (see Chapter 9).

20.101 The Friday after the alleged abuse of the altar boy occurred, Fr McCabe returned to the USA.

Further Church activities in relation to 1986 complaint

20.102 Fr Curley continued his efforts to deal with the fall out from the incident. He met the boy's parents at their local garda station. His account of the meeting is as follows:

"As far as both parents were concerned I was a friend of [local priest], we worked together, and as he was away on holiday, I explained I wanted to help them to discuss the incident and more so out of concern for their child. The parents made the following points:

- Fr. McCabe told the father that "this" happened several times before-he gets carried away with children.*
- They said they do not want him to get away with it. He should be charged and disciplined.*
- The matter was not to be swept under the carpet and threaten (sic) to expose the problem in the newspapers if something is not done about it.*

- The Father and Mother said they felt so angry every time they looked at the child they had to send him away to relatives for a while.

...

- They insisted that the Archbishop should read their sons statement.

- They were so upset because a priest is a person you put your trust in. Fr. McCabe bought presents for their son and they said Fr. McCabe was cute enough not to say anything to the boy about reporting it at home.

- The parents want action and something to be done.

...

Concluding the meeting after other points were made I asked them to try to be loyal to [the local priest] who would see them on returning from holidays. I told them then I would be making a full report of our meeting to Archbishop's House".

20.103 Undoubtedly, the Church authorities were still concerned at the potential for this incident to become a matter of public scandal. Bishop O'Mahony, who was the area bishop but who had been away at the time of the incident, was brought up to date by Bishop Williams who gave him copies of all of the documents available.

20.104 On his return from holidays, the local priest, for whom Fr McCabe had done supply work, met Bishop O'Mahony. They noted:

"1. We agreed that [local priest] would see the parents this evening and assure them of written confirmation if necessary that the Archbishop had personally seen the boy's statement.

2. A possible letter would contain:

*The above assurance if required. An expression of sympathy for the serious hurt suffered by the boy and his family.

*A commitment to take all necessary and possible steps to ensure that the Diocesan authorities in the USA are aware of the situation and effective steps are being taken to exercise discipline and ensure treatment."

20.105 The local priest then met the parents and reported to Bishop O'Mahony that the meeting was "pretty good" but the parents felt that Fr McCabe had got away with it. The local priest said there "was now no need

to write a letter of assurance". He also told the bishop that rumour of the alleged incident had not spread very much in the community.

20.106 It appears that Bishop O'Mahony was still concerned that this matter might give rise to scandal because a later meeting was organised at Bishop O'Mahony's house with the local priest and the mother of the boy. Bishop O'Mahony noted that the mother:

"was calm and impressive in her response to the traumatic incident but upset and angry that:

- 1. The priest had the opportunity of working [...] with young boys.*
- 2. He got away without any charge being made against him – "one law for the rich, the other for the poor"!*
- 3. He could have the opportunity of doing similar damage back in the USA.*

She wants assurance that he would have treatment and no appointment that would involve contact with young boys.

I told her that the necessary steps would be taken to ensure that her reasonable requests would be carried out and promised to make contact again with more specific information of the steps taken."

Bishop O'Mahony disputes the characterisation of his motivation as being the avoidance of scandal. He told the Commission that his motivation was pastoral support for the family and the priest. However, the Commission considers that his notes and those of the local priest suggest that the avoidance of scandal was the primary consideration. Furthermore, there is no evidence of any ongoing Church support for the family once the immediate threat of scandal had passed.

Further garda activities in relation to 1986 complaint

20.107 In early September 1986, the investigating garda received a report from the sexual assault unit in the Rotunda hospital. Having regard to the nature of the assault complained of, not surprisingly, there was little physical evidence found of the assault on the boy. Later in September, the investigating garda forwarded the file to his district office. The file consisted of a covering letter from the garda, the statement of the boy, the report from the sexual assault unit and a request that the file be forwarded to the DPP's office. The superintendent of the district attached his note to the file stating:

"I understand that Fr. McCabe was transferred to America approximately six years ago arising out of an incident of a similar nature. He had no authority to minister in Dublin at present and was in fact on holidays. I now understand that he has again returned to America."

20.108 When a garda file is submitted to the office of the DPP for directions as to charges, if any, it is usual for the Gardaí to submit a report with the file outlining the nature of their investigation, the evidence which has been gathered and their conclusions as to the charges, if any, which should be brought. No such report was submitted nor directions sought with this file when it was submitted to the DPP's office. The garda evidence to the Commission was to the effect that the file was being forwarded more for the information of the DPP than for any other purpose.

20.109 The DPP's office, in an internal memorandum, expressed the view that Fr McCabe should be prosecuted, were he available to be prosecuted, on the basis that the boy's statement of events was clear and convincing. The office commented on the incomplete nature of the investigation, for example, the failure to take statements from other children and the parents, but the ultimate conclusion was: *"Even if one could, I wouldn't bother extraditing him."*

20.110 The DPP's office does not appear to have adverted in any way to the information given to them in the brief letter from the superintendent, which suggested that Fr McCabe had a previous history of this type of offence. This was a very brief file and one might have expected that further investigation or information would have been sought from the Gardaí as to this man's previous history.

20.111 Whereas there is no documentary evidence available that the DPP's decision was communicated by the Chief State Solicitor's Office to the Gardaí, the garda superintendent of the district in which the event occurred told the Commission that he was aware that there was to be no prosecution.

USA, 1986

- 20.112 Fr McCabe had told Bishops Carroll and Williams that he intended to enrol in a hospital chaplaincy course at a hospital in Orange, California. An official from Archbishop's House telephoned Los Angeles diocese advising *"that a further incident was reported during Father McCabe's recent vacation in Ireland"*. Los Angeles diocese replied that, while they had received Fr McCabe's application for work, they had not offered him any post due to the circumstances of his case. The Archdiocese also telephoned the diocese of Orange alerting them to the fact that Fr McCabe was enrolled on a hospital chaplaincy course there and that background information on Fr McCabe could be obtained from the Santa Rosa diocese. The most recent complaint about Fr McCabe was also mentioned.
- 20.113 Fr McCabe meanwhile was looking for funding from the Archdiocese for his activities in Orange. Bishop Williams directed that the course fees be paid and that he also get an allowance. A bank draft for in excess of \$2,000 for tuition fees and incidental expenses for the months of October to December 1986 was forwarded to Fr McCabe. A further cheque was promised for early January 1987. Once again no one appears to have inquired as to whether or not he was taking his medication.
- 20.114 Fr McCabe did not start the hospital chaplaincy course. It is not clear why but it is likely that the warning given to Orange diocese by the Archdiocese of Dublin was responsible for this change of plan. Fr McCabe was living in Sebastapol, California and Bishop Williams wrote to him there in October 1986 seeking details of the new course which he proposed to embark on. The bishop also reminded him that, at their August 1986 meeting, both he and Bishop Carroll had stressed that they would expect a report either from the residential centre he had previously attended, Jemez Springs, or from some other competent professional source, to show that he had fully disclosed recent events in Dublin and had been treated in respect of them. The bishop expressed dissatisfaction that the report had not been received by him and stated that, pending receipt of the information required, he would keep his application for further financial assistance under review.
- 20.115 Fr McCabe replied saying he now intended to begin a clinical pastoral education course at another hospital, this time in the diocese of Sacramento.

He looked for further money to cover his tuition even though he had already received \$2,000 to cover his course and keep. He dealt with the professional report as follows:

"I gave a full account to [solicitor] before I left Dublin. I also gave the same report [to] the priest psychologist whom I told you about. We have teased this out several times and I increased the frequency of my visits for that purpose. I asked him if he was willing to give a professional report and he said that as his clients come to him voluntarily (and not referred) and because he is also my confessor, he believes in keeping his professional services confidential.

...

I have grown from the incidents of some years ago and thank God have returned happily to ministry again. I am helping out at weekends and preaching."

20.116 Once again, when asked to account for himself, Fr McCabe relied on self-serving pieties together with assurances of personal growth and development. Bishop Williams's response to this letter is remarkable in the context of all that had gone before and particularly given that the Archdiocese had knowledge that Fr McCabe had been diagnosed as a paedophile whose tendency could only be controlled by medication:

"Please be assured that you have my help and that I will provide every co-operation in your training and renewal. I would hope that it would go without question that just treatment will be ensured at all times for a priest of the diocese.

However, having said that, I must come back to the question of the request which Bishop Carroll and I made to you that we should have a professional report from a qualified advisor, arising from our discussion before you left Dublin. If your priest/psychologist feels that because of his relationship to you as a confessor, he is unable to provide such a report, then I would have to ask you to consult some other psychologist or medical advisor, who will give us a comprehensive report.

I am sure that, on reflection, you will see the justice and the wisdom of our asking for this firm evidence that medical advice concurs with your

opinion of the situation. It is in your own interest to let us have this firm evidence, so that the written and documented allegations will not remain unanswered."

20.117 It is difficult to avoid the impression that Bishop Williams was more intent on keeping the file right by having on it a medical report which might exculpate the Archdiocese, rather than dealing appropriately with the ongoing threat that Fr McCabe posed to boys whom he might encounter. There is no evidence that the diocese of Sacramento was contacted about Fr McCabe's presence there.

20.118 In January 1987, a decision appears to have been reached that the Archdiocese of Dublin would continue to fund Fr McCabe on his clinical pastoral education course in Sacramento, notwithstanding his repeated failure to comply with the request for a comprehensive medical report. There is a note on file advising the finance secretariat to send him a salary for three months.

First complainant comes forward again, 1987

20.119 In January 1987, the boy who had made the first formal complaint against Fr McCabe in January 1977 went to Archbishop's House. He was met by Monsignor Alex Stenson. Although he had been chancellor of the Archdiocese since 1981 and had taken down the details of complaints made against other priests of the Archdiocese, Monsignor Stenson states that this was the first knowledge that he had of problems with Fr McCabe. The Commission is satisfied that this is so.

20.120 The young man, now in his mid twenties, recounted the details of the assault on him by Fr McCabe and its aftermath. The account was consistent with what he had told Canon McMahon ten years earlier, though he was now in a position to be more explicit about what Fr McCabe had done to him. He told Monsignor Stenson that after the incident he was sent to another school, a day school and that thereafter, his parents never mentioned the incident. He, however, had been unable to forget it. Monsignor Stenson noted: "He was obviously very disturbed by it and his recounting of it upset him". He believed that Fr McCabe had "messed him up". He explained to Monsignor Stenson that he had been unable to get the incident out of his mind. He had failed his

Certificate, had had lots of jobs and had problems around his sexuality. Monsignor Stenson noted:

"He has lived with this nightmare daily for ten years and eventually he has had to get help – hence the psychiatrist recently. [The young man] claims that the attack was reported at the time and he was visited by a cleric (I think Ardle McMahon – but [the young man] had no idea who he was). He wondered what if any action had been taken then. He has told two other diocesan priests of his problems over the intervening years but refuses to name them. He feels they can be called as useful witnesses to his ongoing distress. [The young man] wanted to know where Patrick McCabe was. I told him that his address was available in the diocesan directory, freely available in Veritas – so his whereabouts was no secret. I then gave him the address – I saw no point in withholding it. He wants "compensation" from Patrick McCabe for ruining his life. He wants him reprimanded and to prevent him from doing it to others. He also feels that the Diocese should pay him compensation – that they are somehow liable for this man's behaviour and he is responsible to them.

If he does not get satisfaction or compensation he will go public and sell his story to the newspapers as he has nothing to lose. He presumes it would be a "sought after" story. Further he will take legal action. He has already had "advice" but would not say from whom.

He confessed disappointment at my response which was along the lines of "Well you will have to do what you think you should do". He plans now to go to the US. I asked him what he would do and he obviously hasn't decided, but he is very hurt and resentful.

I pointed out that the incident had not occurred within the Diocese and it would be difficult to see how anyone else could be held liable for such irresponsible and regrettable behaviour.

I asked [the young man] to keep me informed of what he would be doing but he refused. I have a feeling this fellow could make a lot of trouble and would have no qualms about going "public".

- 20.121 Subsequently, Monsignor Stenson wrote to Fr McCabe to tell him about the meeting.
- 20.122 The young man then went to the current headmaster of his former school. His demand for compensation for the damage done to him by Fr McCabe and his former headmaster under threat of media exposure led to a complaint of blackmail being made to the Gardaí against the young man and his mother by the headmaster. This complaint of blackmail by a member of a religious order against a young man who had been abused resulted in a most exhaustive and comprehensive garda investigation. It included telephone taps and detailed garda comment on the young man and his antecedents, some of which, in the Commission's view, were scurrilous. A detailed file was submitted to the DPP with a strong garda recommendation that the young man be prosecuted for blackmail. Interest in the progress of this file extended to the top echelons of the Gardaí including the commissioner's office. The DPP did not act on the garda recommendation. Instead, the DPP directed that there should be no prosecution for blackmail. On receipt of this direction, the Gardaí began an investigation of the young man's original complaint of sexual assault.
- 20.123 The investigation was not thorough. The garda in charge took a statement from the young man. He interviewed the headmaster whom the boy alleged had sexually assaulted him on the occasion when he reported the assault by Fr McCabe. The headmaster denied the allegation. Interestingly, years later the headmaster was convicted of multiple assaults on boys but he was never charged in relation to this young man. The Gardaí interviewed Monsignor Stenson about the case but, by then, Fr McCabe had been laicised and had left the country (see below).

More problems in the USA

- 20.124 Meanwhile, the supervisor of the course which Fr McCabe was pursuing in Sacramento, a nun, wrote to the Archdiocese concerning his status. This course was in a different hospital to the one Fr McCabe had told the bishops about earlier. The supervisor told the Archdiocese that, when Fr McCabe applied for the course in November 1986, he had provided a letter giving him release from the Dublin Archdiocese, an acceptance letter giving him faculties in Sacramento diocese and several letters which recommended

him. He had also provided a reference from a nun who ran a similar course in Ireland. The supervisor said that there had been no problems with Fr McCabe but they had recently heard *“rather ugly rumours about his reasons for leaving the diocese of Dublin and that of Santa Rosa. These rumours implied that he seeks out young boys for all the wrong reasons”*. She went on to say that she was writing *“at the suggestion of Bishop Hurley from Santa Rosa and am most anxious to clear this as soon as possible, because, if these rumours are true, Father will be asked to leave the programme after I have confronted him. We have had experience of this before and cannot countenance this.”*

20.125 Bishop Williams telephoned the supervisor. Archbishop McNamara was ill in hospital. There are no notes of the contents of the telephone call but a subsequent letter to the supervisor suggests that Bishop Williams did confirm that the *“rather ugly rumours”* were true. The bishop then wrote to Fr McCabe telling him about the inquiry from the course supervisor and mildly upbraiding him for undertaking a course other than the one agreed and for not providing the professional assessment sought.

20.126 While Dublin failed to address the issues, Sacramento acted. After speaking to Bishop Williams, the diocese of Sacramento gave him two weeks to leave. He was ordered, initially orally, and the following day, in writing, not to exercise any ministry within the territory of the diocese. He was forbidden to participate further in the course in which he was enrolled. He was also ordered to submit himself to the care of the Archdiocese of Dublin.

20.127 Fr McCabe, as usual, did not do as he was directed. He did not submit himself to the care of the Dublin Archdiocese. Instead, he set about obtaining a medical report from a psychologist whom he had met in the context of the course. He also, somewhat surprisingly, managed to obtain an extremely favourable evaluation of his participation in the first quarter of this course. No doubt this favourable evaluation was assisted by the various untruths that Fr McCabe had conveyed to the course participants and directors. According to the evaluation:

“At age 48, Father left his country and came to the United States to settle down in a new country and culture. He said he had a suppressed longing to work abroad since he was very young. This

move afforded him the opportunity to meet new challenges and break away from his old ruts⁷¹. This decision was very significant in his life, especially since his mother was not in favor of him leaving home. He has not regretted this change, but rather feels that it has helped him to better self acceptance and has stimulated his inner freedom and autonomy. He has said that in recent years his priest friends and other friends in Ireland have accused him of selfishness and that this hurt him very much, but in the process of his renewal, he has become convinced that he needs to be somewhat selfish in order to fulfil his own needs. I believe he is a well balanced person giving proper time and attention to all the facets of his life. This shows in his behaviour and interaction with those around him. His vital energies are used in affirmative and responsible ways to himself and others. He loves music and the arts. He has taken oil painting lessons and paints very well. He is a member of a health spa and is aware of diet and exercise for his well being. He seems to be in good health, taking primary responsibility for his own wellness. He is quick to use the healing energy of laughter and play. He has dressed up as a clown, looking very professional from the pictures he has shown us. He did this for grammar school children in Eureka at Halloween time a few years ago.

Another significant emotional event in Fr. Pat's life was when a fire broke out in a school⁷² where he was teaching and 48 teenagers burned to death. This effected [sic] him very personally. This had to have made a very deep wound of grief and it seems he has worked through the agony of such a tragedy but I'm not sure his healing process is as complete as it should be.

Fr. Pat has travelled extensively in the past years before coming to the United States. He visited Irish Missionaries in Africa, Brazil and India⁷³. Because of these opportunities, he said it has broadened his mind and spiritual life."

⁷¹ Note that there is no reference to his stay in Jemez Springs in 1982 and again in 1983.
⁷² This is a reference to the Stardust fire which, of course, took place in a night club, not a school. Fr McCabe had never been a teacher.
⁷³ This is untrue to the best of the Commission's knowledge.

20.128 This evaluation was signed by Fr McCabe's supervisor, a lay woman, and by the religious sister who was the course supervisor. It is not known why the course supervisor was willing to endorse such a misleading evaluation. Perhaps it was because the lay supervisor who prepared the evaluation could not be brought into the confidence of the inner Church circle who knew the truth about Fr McCabe. Fr McCabe made extensive use of this evaluation when applying for work in the USA.

20.129 He succeeded in getting a favourable report from the psychologist whom he had met on the course. The psychologist reported that he had conducted five hours face to face interviewing and five hours of psychological testing. He concluded that Fr McCabe was in the correct career path. Additionally, he noted that Fr McCabe *"is capable of and is actively using individual psychotherapy"*. He was of the view that psychotherapy would continue to help him become more aware of himself. The psychologist also conducted a psychological evaluation of Fr McCabe. The history given by Fr McCabe to the psychologist was untruthful and full of glaring omissions. He failed to disclose the various complaints against him, he said he had been accused of being over familiar with young people but there were no specific complaints, he did not mention his time in Jemez Springs or in Stroud, he did not tell the psychologist that he had been diagnosed as a paedophile whose tendencies could only be controlled by anti-androgenic drug therapy. He said he had been traumatised by *"the burning of 48 teenagers that came from a bomb that went off in the parish where Father McCabe was ministering in"*. This presumably is an amalgamation of the Dublin bombings of 1974 and the Stardust disaster of 1981.

20.130 On the basis of the history given, the psychologist's report was clearly worthless. It, too, was used extensively by Fr McCabe when he sought work in the USA.

20.131 Fr McCabe sent this report and the course evaluation to Bishop Williams in March 1987. Fr McCabe made no reference to the fact that his faculties had been withdrawn by the diocese of Sacramento, nor to the fact that he had been ordered to leave the territory of that diocese. He said he was looking for suitable ministry.

- 20.132 Bishop Williams must have known that the psychological evaluation was worthless as it was based on an inaccurate, misleading and untruthful history given by Fr McCabe. Fr McCabe was not confronted by the inaccuracy of the history, nor does it appear from the documents that the psychologist was notified of the false basis upon which his report rested.
- 20.133 There is evidence that, at this stage, Bishop Williams was finally losing patience. In the archdiocesan documents is a memorandum on "Dismissal from the Clerical State" prepared by Monsignor Alex Stenson for Bishop Williams. Monsignor Stenson cannot remember whether this was prepared in the context of Fr McCabe or Fr Carney (see Chapter 28). Monsignor Stenson listed the three ways in which an ordained cleric can lose the clerical state being:
- by a judgment of a court or an administrative decree, declaring his ordination invalid;
 - by the penalty of dismissal lawfully imposed;
 - by a rescript of the Apostolic See.
- 20.134 However, nothing was done to institute a process of dismissal in the case of Fr McCabe.
- 20.135 Between March and June 1987, Fr McCabe applied for chaplaincy posts in a number of dioceses in the USA and Canada. He made initial progress but each application ultimately foundered when inquiries were made of either Dublin, Sacramento or Santa Rosa dioceses. During this period, Fr McCabe also made himself available to do supply work. In May 1987, he somehow managed to get a letter granting him priestly faculties in the diocese of Grand Rapids, Michigan.
- 20.136 Back in Dublin, Archbishop McNamara died in April 1987 and Bishop Carroll took over as Diocesan Administrator for a second time. Bishop Williams wrote to Fr McCabe asking for a briefing on his current circumstances so that he could advise Bishop Carroll. In May 1987, Fr McCabe replied that he had been ministering and had just completed a long retreat in a Jesuit retreat house. He said that he was continuing therapy and

was being helped and advised to seek permanent work. He asked for a reference from the Archdiocese.

20.137 In June 1987 an official from the diocese of Sacramento spoke to Monsignor Stenson on the telephone. The official gave a summary of Fr McCabe's activities throughout the American west and mid-west during the month of May and was quoted by Monsignor Stenson as saying *"Urgent to get him out of the USA – to anywhere."*

Withdrawal of faculties

20.138 Bishop Williams wrote to Fr McCabe declining to give him the letter of reference. Bishop Carroll wrote to him to say he had consulted with the auxiliary bishops and had decided to withdraw his faculties with effect from June 1987. He further withdrew permission to seek pastoral work in the USA. He recalled him to a residential course in Stroud. He said that any failure to comply with these instructions would mean that he (Bishop Carroll) would start a canon law penal process under canon 1395 (see Chapter 4).

20.139 This was undoubtedly the most direct letter sent by the Archdiocese to Fr McCabe in the ten years that the Archdiocese had been dealing with the fall-out from his sexual molestation of boys. Not surprisingly, Fr McCabe was shocked by this new direct approach. Nevertheless, he still made a last ditch effort to avoid returning to Stroud. This did not succeed.

20.140 Fr McCabe arrived back in Stroud in July 1987. By coincidence the priest now in charge of Stroud, Fr Livingstone, was the same man who had been in charge in Jemez Springs when Fr McCabe was there in 1983 and when he was diagnosed as a paedophile whose tendencies could only be controlled by anti-androgenic medication. Interestingly, this man's report to the Archdiocese in July 1987 makes absolutely no reference to that crucially important diagnosis, or to Fr McCabe's adherence or otherwise to the drug treatment regime that had been prescribed. The report did state that Fr McCabe was being evasive and perhaps deliberately dishonest. Stroud had no confidence in his ability to control his psychosexual urges at that time. They did not think that a longer period of treatment would improve the situation as they would not be willing to risk recommending him for active work in the priesthood. The attending psychiatrist in Stroud raised the

possibility of Fr McCabe being given permanent care in a supervised setting. At Stroud's request, Monsignor Stenson travelled there to discuss the future with Fr McCabe. Monsignor Stenson noted that Fr McCabe tended to gloss over his history in the Dublin Archdiocese but he acknowledged the problem there would be in recommending him elsewhere especially in view of the recent re-emergence of the first complainant. A number of possibilities were discussed:

- Laicisation - Fr McCabe did not like this as he still had ambitions for a return to active ministry when his problem was solved.
- Dismissal – he would prefer this not to happen.
- Early retirement and/or resignation: this seemed the most attractive proposal from Fr McCabe's point of view because it would be seen as a voluntary act on his part and not something imposed by the diocese.

20.141 At the conclusion of the meeting, Monsignor Stenson felt sorry for Fr McCabe and compared him to the fugitive who did not quite know where to turn. Monsignor Stenson's own view was that the psychiatrist's suggestion of viewing Fr McCabe as a disabled priest in need of custodial care with a very limited ministry might be given further consideration but he recognised that it was questionable if Fr McCabe would be able or willing to do that.

20.142 After this meeting Fr McCabe wrote to Bishop Carroll saying that Monsignor Stenson was *"realistic in his presentation of my case, but I thought that all of it was very negative"*. Having pointed out some of the positive features of his recent life, as he saw it, he concluded:

"If necessary, I would envisage resignation from the active ministry, and that would include not involving myself actively in public ministry, and that the diocese would have no responsibility for my future conduct. That I would be given financial support in order to set myself up and find work, (in justice because of my years of service). That the diocese could say that I was a priest who had resigned from the active ministry. These are my wishes in order of preference. I need trust, compassion, justice and charity, I will be moving to my cousin's home 70 miles away".

20.143 Bishop Carroll became anxious to ensure that Fr McCabe was in a monitored situation pending a decision in his regard. Stroud was prepared to

provide a room for him but he had already left Stroud and had gone to relatives. He refused to go back. In August 1987, Bishop Carroll suspended him from ministry. This suspension decreed that he could not say mass, preach, hear confessions or receive stipends. He was also prohibited from presenting himself as a priest, wearing clerical dress or seeking or engaging in any form of pastoral ministry. Priests in the Archdiocese were not told of this suspension.

- 20.144 Sometime in August 1987, Fr McCabe moved to a centre in London which specialises in therapy and reflection for members of religious orders and clerics. Monsignor Stenson visited him there to tell him the terms of the decree of suspension. In September 1987, Fr McCabe applied for laicisation.

Laicisation

- 20.145 Monsignor Stenson prepared the documents necessary for laicisation and these were transmitted to the Congregation for the Doctrine of the Faith in Rome in October 1987. The application was accompanied by medical reports prepared over the years in relation to Fr McCabe. The reports received from Jemez Springs in 1983 which diagnosed him as a paedophile were not included. The Commission asked Monsignor Stenson about this and he explained that there were enough other reports to serve the purposes of the process. He said that all the documents were not included: *"you simply make a succinct statement"* in order to give Rome adequate information on which to make a decision.
- 20.146 In November 1987, Bishop Carroll was not pleased to hear that Fr McCabe intended to come back to Ireland. One of his secretaries sent a memo to Monsignor Stenson stating that Bishop Carroll wanted to send a letter to Fr McCabe indicating Bishop Carroll's wish that Fr McCabe remain in England. The memo concluded *"Even if the letter arrives after his departure it would in some way cover the Diocese"*.
- 20.147 Unfortunately for the Archdiocese, Fr McCabe was already in Ireland. He had managed to get a live-in job in a rural college as a supervisor of studies. Monsignor Stenson contacted priest friends of Fr McCabe in order to locate him. He then wrote to Fr McCabe addressing him as *"Mr Patrick"*

McCabe" and stating Bishop Carroll's regret that he had not seen fit to inform Bishop Carroll of his plans to return to Ireland nor indeed to seek his permission to return to Ireland. Monsignor Stenson also rang Fr McCabe's new employers and advised them that *"we have found him not to be a suitable person working with young people"*. The employment was terminated.

1988

20.148 The documents do not reveal, and the Commission has been unable to ascertain, where Fr McCabe went after he lost this post. It is known that a number of lay people and clerics were supportive of him in the various parishes in which he had worked. He was still in the country in January 1988 when Monsignor Desmond Connell was announced as the Archbishop-elect of the Dublin Archdiocese. At a meeting of the auxiliary bishops in January 1988, which the Archbishop-elect attended, Bishop O'Mahony reported to his colleagues that there was a complaint that Fr McCabe had, once more, committed a sexual assault. The assault had taken place in a school outside the diocese and was perpetrated on a 14 year-old-boy who Fr McCabe had first spotted a year and a half earlier when on holiday in a priest's house in a rural part of the diocese. Fr McCabe had gone to the boy's school, had celebrated mass despite the decree suspending him from doing so, and had then sexually assaulted the boy. It is not known how Fr McCabe managed to get to say mass at this school but it is rather astonishing to note that the headmaster of this school was also subsequently convicted of child sexual abuse. The bishops decided to locate Fr McCabe, to send word to the Congregation for the Doctrine of the Faith immediately and to contact a psychiatrist.

20.149 Cardinal Connell told the Commission that he had no memory of that meeting but he was already aware that Fr McCabe had problems because Archbishop Ryan, who was a good friend, had told him so some years earlier.

20.150 Bishop Carroll immediately wrote to the Congregation for the Doctrine of the Faith telling them of the most recent incident and asking that Fr McCabe be reduced to the lay state as quickly as possible *"otherwise immense scandal and damage will ensue both for the Church and the priesthood in this Diocese"*.

20.151 When Fr McCabe was located, he was sent to St Patrick's Hospital under the care of Dr John Cooney in late January 1988. It appears that all of the medical reports held by the Archdiocese were forwarded to Dr Cooney. Dr Cooney told Monsignor Stenson that Fr McCabe had very little insight and very little motivation. He suggested that he be put on a drug called Anquil, a drug frequently used to control deviant, anti-social sexual behaviour. In February 1988, Dr Cooney told Monsignor Stenson that Fr McCabe was full of "*psycho-therapy*" and that the psychotherapy was deemed counter productive, in the sense that it had given Fr McCabe a language to provide more elaborate rationalisations for his behaviour. Dr Cooney was of the view that psycho-therapy at this point for Fr McCabe would be more "*codology*".

20.152 While in hospital, Fr McCabe told Dr Cooney that he was in the process of obtaining a green card for the USA and that he already had a job lined up there. Fr McCabe told Monsignor Stenson that he had a job offer in Stockton, California, to work with the homeless. Stockton was the only one of the Californian dioceses that had not been warned about Fr McCabe. The bishops wanted to know more about this job offer. Fr McCabe refused further information. He considered that it was not the business of the Archdiocese and he was adamant that the diocese would not once again prevent him obtaining employment in the USA. He also stated that he did not wish the hospital to have any further communication with the diocese and indicated that he would refuse treatment for so long as the hospital continued to communicate with the Archdiocese. He also told Monsignor Stenson that he was making great progress in the hospital and that after his stay there he would be cured. This self diagnosis was completely at odds with the view expressed by Dr Cooney.

20.153 Monsignor Stenson made inquiries of the Church authorities in Stockton about the proposed employment. He discovered that the job involved the housing of homeless people and research into its causes. The community which was proposing to employ him consisted of six people all of whom were adults. There was no Church link or connection.

20.154 The matter of Fr McCabe was on the agenda at all the auxiliary bishops' meetings in early 1988. Fr McCabe left the hospital sometime in

February 1988 and appeared to be staying in Co Wexford, as a priest friend had received a card from him from there. He was, however, in contact with the Archdiocese as he was looking for the keys of his car which Bishop O'Mahony was refusing to return to him. As far as the bishops were concerned, their options were either to let him go to the USA, where according to the note of the bishops' meeting, *"he could take medication and therapy, or stay in Ireland and end up in Mountjoy"*.

20.155 The bishops decided to let him go to the USA. They, in effect, set him loose on the unsuspecting population of Stockton, California. There is no record that they notified the bishop of Stockton of his arrival. They did get a report from Dr Cooney which is misleading about the true nature of Fr McCabe's pattern of offending. It refers to Fr McCabe's continuing to receive therapy (which had previously been described as more 'codology') and medication in America in circumstances where, given his history, both the doctor and Bishop O'Mahony should have known that he was unlikely to continue to take any libido-suppressing medication. Bishop O'Mahony wrote to the psychiatrist to thank him for his *"valuable"* report.

20.156 Archbishop Connell was consecrated Archbishop of Dublin in March 1988. That same month, Fr McCabe's rescript of laicisation came through from Rome. Cardinal Connell told the Commission that he was relieved when this came through. When asked by the Commission if he felt he had any further responsibility for this now former priest, Cardinal Connell said: *"I think that that was a matter that Monsignor Stenson was looking after in the chancellery"*. Cardinal Connell went on to point out that, as he was laicised, the Archdiocese now had no control over him.

20.157 Just a week after Mr McCabe was laicised, a garda inspector telephoned Archbishop's House asking about his whereabouts. He explained to Monsignor Stenson that he was following the DPP's instructions to investigate the original complaint of the first formal complainant in 1977. Monsignor Stenson noted in a contemporaneous memo that the garda inspector, on being informed that Mr McCabe was in the USA, commented that this made his task much easier in that *"they will hardly send me to America for him"*. That same afternoon, the inspector called to Archbishop's House and, according to Monsignor Stenson's contemporaneous notes,

informed Monsignor Stenson "*the Guards are aware that should the matter surface in the Sunday World in two or three years time it is important for them to have covered their tracks. Hence the present enquiry*".

20.158 Monsignor Stenson told the garda inspector that the Archdiocese believed that the incident alleged by the first complainant did occur and he also told him of the various attempts to treat Mr McCabe. Monsignor Stenson said the Archdiocese had no address for Mr McCabe.

20.159 There the garda investigation ended. No inquiries were made as to whether or not Mr McCabe had on-going connections with Ireland and was likely to return, or as to whether or not he had friends or acquaintances in the Archdiocese with whom he was likely to remain in contact.

Back in the USA

20.160 In May 1988, the diocese of Sacramento wrote to Bishop Williams expressing surprise that Patrick McCabe, whom less than a year earlier they had advised should be removed from the USA to anywhere, was now back in their region. Sacramento diocese had learned of his presence because he had applied for a teaching job and the school had contacted them. The diocese of Sacramento assumed, wrongly of course, that the Dublin Archdiocese might not have been aware of his presence in Stockton. They informed the Dublin Archdiocese that they had a duty which they intended to fulfil, to notify Stockton diocese of the presence of Mr McCabe. The Archdiocese had an address for him because he had earlier written to Bishop O'Mahony. Bishop O'Mahony undertook to send him a copy of his rescript of laicisation. The Commission has not seen any evidence that it was in fact sent at this time but Bishop O'Mahony told the Commission that he did send it. A copy was sent to Sacramento diocese.

Dublin visits

20.161 There were no more inquiries from American dioceses and no fresh complaints of sexual abuse were emerging in Dublin. Mr McCabe kept in regular contact with friends in the Dublin Archdiocese. Though officially a wanted man, he returned to Dublin on a number of occasions. The Commission is aware that he attended the funeral service for one of his brothers, which appears to have occurred in 1992. The Gardaí were not

notified of his attendance, but given the garda approach to the matter in 1988, the Commission is not convinced that any notification would have been acted upon.

20.162 Mr McCabe's file was revisited by the Archdiocese in 1994/1995 when clerical child sexual abuse was frequently in the headlines. In October 1995, a priest of the Archdiocese wrote to tell the Archbishop that Mr McCabe would arrive in Dublin in October 1995 and intended remaining for ten days. The priest was told that the information had been passed on to the Archbishop and that nothing further was required of him. While Mr McCabe was in the country visiting his friends, some of whom were priests of the Dublin Archdiocese, the first claim for civil damages arising out of his sexual abuse of boys arrived in Archbishop's House. This was made by the boy who claimed to have been sexually molested in 1986 and whose parents had immediately made a complaint to the Gardaí. The Archdiocese did not tell the Gardaí that Mr McCabe was in Dublin in October 1995.

20.163 In November 1995, Monsignor Stenson forwarded a copy of his laicisation rescript to Mr McCabe in California. He also informed him about the claim for compensation.

20.164 In November 1995, the Archdiocese disclosed to the Gardaí the names of 17 priests against whom complaints of sexual assault had been received. The name of Patrick McCabe was not on that list. Monsignor Stenson told the Commission that this was because he was no longer a priest of the Archdiocese. The Commission asked Cardinal Connell why this was and he stated: "*because he was laicised, I presume*".

After 1995

20.165 After 1995, more complainants came forward. The Commission is aware of 21 people who have made complaints.

20.166 In 1997, the McCabe case was brought before the advisory panel. The panel recommended that the civil case should not be contested. It further recommended that the parish priests of Mr McCabe's former parishes be gathered together to be briefed on what to do if anyone came in seeking help or who might need help in the future. This recommendation does not

appear to have been acted on. As individual complaints came in, the parish priests appear to have been informed on a need to know basis. Similarly, the abused who came forward were not told the truth. Their accounts were listened to and counselling was offered, but they were not validated or vindicated by the Archdiocese by being given the truth as the Archdiocese knew it. There was one exception to that approach. Fr Cyril Mangan, as assistant delegate, did tell one of Mr McCabe's victims of his history, to the extent that it was known to Fr Mangan.

20.167 Mr McCabe planned yet another visit to Dublin for June 1998. Archbishop's House was informed of his plans by a priest friend in January 1998. There is a memo on file which states that Monsignor Dolan, having taken legal advice, phoned the priest friend of Mr McCabe and told him:

"Because Paddy McCabe had been laicised, it would not be appropriate for the diocese to take any active part. However, I outlined the perspective in respect of the following:

- (i) He is suspect of serious crime;*
- (ii) If [name of priest] becomes aware of his presence in Dublin, the Gardaí should be informed;*
- (iii) If we become aware of his presence in Dublin we will inform the Gardaí."*

20.168 The Commission questioned Mr McCabe's friend about this memo and he was adamant that precise instructions of the type outlined were not given to him by the Archdiocese. As far as he was concerned he had given them the relevant information to allow them to act. Monsignor Dolan disputes this and maintains that his memos are an accurate reflection of what occurred. Nonetheless, the fact is that the Archdiocese did not act on this information nor, indeed, did Mr McCabe's priest friend. They chose not to do so despite the fact that they were given specific dates when he would be in Dublin and the specific function that he was travelling to attend.

20.169 Mr McCabe did arrive in Dublin in June 1998. He held a function in a hotel to which his various clerical and lay friends and family were invited. The Gardaí were not notified of his presence.

20.170 Insofar as the Commission has been able to establish, Mr McCabe has not been back to Ireland since 1998. However, the Commission has established that he is in regular contact by way of letter or Christmas card with a number of clerical friends in the Archdiocese who have been aware of his whereabouts since his departure in 1988. He wrote to Bishop O'Mahony on one occasion in 1995. One of these friends visited him in California in the late 1990s. It appears that he has been able to secure employment as a lay minister officiating at removals and burials.

20.171 New complainants continued to emerge and further civil proceedings were issued against the Archdiocese. The diocese adopted a legalistic and defensive position in relation to the civil proceedings while at the same time offering what was described as 'pastoral support' to the victims. Despite the growing evidence of the extent of Mr McCabe's criminal behaviour and despite the Archdiocese's declared policy of not protecting abusers and despite the fact that his location was known within the Archdiocese, and was readily ascertainable on inquiry, the Gardaí were not notified of Mr McCabe's whereabouts.

Further garda inquiries

20.172 As already described, the garda investigation into the first complaint came to an end when it was established that Mr McCabe had left Ireland in 1988. The garda inspector involved was interviewed by the Commission and stated that from then on, he checked the *Dublin Diocesan Guidebook*⁷⁴ each year to see if there was a mention of Patrick McCabe. It appears to the Commission that this was a rather futile and useless exercise in circumstances where he had been informed that Mr McCabe had been laicised.

20.173 In 2003, the inspector, who was by then a senior officer in the Gardaí, did re-visit the issue. In February 2003, he wrote to Archbishop Connell setting out the fact of his previous inquiry in 1988 and asking if the Archdiocese had an address for Mr McCabe.

⁷⁴

This is an annual publication published by the Archdiocese listing, among other things, the names of the priests serving in the Archdiocese.

20.174 Between 1988 and 2003 not a single inquiry had been made by the Gardaí in relation to this matter. In the Commission's view, it is difficult not to conclude that the renewed interest in the complaint in 2003 was prompted more by a fear of public opprobrium than by any realistic prospect of successfully concluding the investigation.

20.175 New complaints were also being made to the Gardaí. These complaints included complaints of sexual assault and anal rape. In contrast to the earlier complaints made to the Gardaí, these complaints have been properly and thoroughly investigated. Unfortunately, it appears to the Commission that they are all doomed to failure unless Mr McCabe returns to Ireland. A brief examination of the California legal code undertaken by the Commission suggests that each of these criminal complaints is statute barred under California law by reason of their antiquity. In November 2007, Gardaí travelled to California and spent three days interviewing Mr McCabe, with his consent, in respect of eight criminal complaints, including the first complaint referred to in this chapter. He denied that he had sexually abused any of the boys, but accepted that he had a fetish for boys in school uniform or well dressed boys in shirts and ties. Having completed their investigations, the Gardaí told the Commission that they submitted eight files to the DPP's office in March 2008. The DPP's office says that the files were not submitted until October 2008. In early April 2009, days before a Commission hearing into the matter, the office of the DPP issued a decision to prosecute Mr McCabe in respect of alleged indecent assault of three complainants. The alleged offences in respect of which a decision to prosecute has been issued are offences of indecent assault, for which the maximum penalty is two years imprisonment. The alleged offences occurred between 28 and 32 years ago. The Commission has been told that inquiries are being made as to the possibility of extraditing Mr McCabe to answer these charges. Having regard to the fact that the offences alleged are statute barred in California, where Mr McCabe still lives, his age and state of health, the difficulties and delays in the extradition process, and the extraordinary degree of delay by the Irish authorities, the Commission's view is that there is no realistic prospect of Mr McCabe standing trial for any of these alleged offences.

The Commission's assessment

- 20.176 This case encapsulates everything that was wrong with the archdiocesan handling of child sexual abuse cases. The story speaks for itself. Archbishop Ryan not only knew about the complaints against Fr McCabe, he had a considerable understanding of the effects of abuse on children. This is one of the few cases in which he took a close personal interest. He protected Fr McCabe to an extraordinary extent; he ensured, as far as he could, that very few people knew about his activities; it seems that the welfare of children simply did not play any part in his decisions.
- 20.177 Monsignor Stenson told the Commission that *"this case was dreadfully, very poorly handled"* and *"a much more decisive decision should have been made earlier"*. That, in the Commission's view, is a considerable understatement.
- 20.178 In a saga in which there are very few participants who can be commended, the Commission notes the thorough investigation into the first complaint carried out by Canon McMahon and the decisiveness of Bishop Carroll.
- 20.179 The connivance by the Gardaí in effectively stifling one complaint and failing to investigate another, and in allowing Fr McCabe to leave the country is shocking. It is noteworthy that the Commission would not have been aware of the Garda activity in question were it not for the information contained in the Church files.

Other material previously redacted from the Murphy Report

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1.20 In 1981, Archbishop Ryan showed a clear understanding of both the recidivist nature of child sexual abusers and the effects of such abuse on children when he was referring Fr McCabe to Stroud (a therapeutic facility in the UK – see Chapter 11). The Archdiocese first made inquiries about insurance cover for compensation claims in the mid 1980s and such cover was put in place in 1987 (see Chapter 9).

1.40 Archbishop Ryan personally handled the case of Fr McCabe and there is no doubt, as evidenced by his letter to the Servants of the Paracletes in Stroud, (see Chapter 20) that he was fully aware, in the early 1980s, of the criminal nature of Fr McCabe's misconduct and its potential to damage children. He did also note the "*extraordinary charity*" shown by parents of complainants.

Archbishop Connell

- 1.42 The appointment of Archbishop Connell in 1988 was a surprise. He was an academic with virtually no experience of parish work or of management of an organisation. He was aware that Fr McCabe had a problem before he became Archbishop. He was immediately faced with the problems of Fr Carney and Fr Jovito*. The Commission has no doubt that he was stunned not by the fact but by the extent of the clerical child sexual abuse with which he had to deal. Bishop O'Mahony told the Commission that, of the three Archbishops he served as an auxiliary bishop, it seemed to him that Archbishop Connell was *"the most deeply affected by the harm of clerical sex abuse. He was also the most proactive in seeking improvement in the church management of the issue"*.
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- 1.44 It is the responsibility of the Archbishop to make decisions. It is entirely appropriate to take account of professional advice but the weight to be given to that advice is a matter for the Archbishop to decide. In spite of his knowledge of the recidivist nature of abusers such as Fr McCabe, Fr Jovito and Fr Carney, Archbishop Connell still allowed Fr Payne to continue in ministry when the complaint against him became known in 1991.

Bishop Kavanagh

- 1.52 Bishop Kavanagh was the longest serving auxiliary bishop (from 1972 to 1998). He failed to deal properly with Fr Carney even when he had pleaded guilty to child sexual abuse. He tried to influence the Garda handling of the criminal complaints against Fr Carney. He persuaded a family to drop a complaint they had made to the Gardaí in relation to Fr McCabe.
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1.78 When Fr Ioannes* was being investigated for the abuse of a young boy, Fr Boland, who was not a priest in the diocese at the time, turned up at

the young boy's home offering comfort and took the opportunity to abuse the young boy himself. There is nothing in the evidence available to the Commission to show how Fr Boland became aware of this young boy. A witness told the Commission that Fr Ioannes used to recruit altar boys for the Pro-Cathedral in the parish of North William Street and its surrounding area. Fr McCabe was in charge of altar boys there at the time and there were complaints that he sexually abused boys there.

1.89 Since the implementation of the *Framework Document*, starting in 1996, complaints, suspicions and actions taken as a result of them are all

comprehensively recorded. Prior to that, inevitably, there is some variation in the quality of documentation compiled by different individuals. Monsignor Stenson, who recorded and investigated many of the complaints/suspensions, consistently produced very high quality, comprehensive accounts. He seems to have made a detailed written record of virtually every discussion, whether held in person or on the telephone, which was related to the complaint or suspicion. Canon McMahon, who was involved in investigating a small number of the cases in the report, also produced comprehensive reports. Archbishop McQuaid made a comprehensive handwritten record of his dealings with Fr Edmondus* in 1960. Unfortunately, a number of other Archdiocesan personnel compiled virtually no contemporaneous written reports. For example, the Commission has seen only one contemporaneous written report by Bishop Kavanagh (in the Fr McCabe case) even though Bishop Kavanagh played a major role in the handling of several cases. It is clear that he was the recipient of subsequent complaints against Fr McCabe but there is no evidence that he made a written record. There are no notes of his dealings with Fr Carney even though he had a significant involvement in that case. Bishop Murray told the Commission that he did make contemporaneous written notes of the concerns expressed to him by Valkeymount parishioners in respect of Fr Naughton. However, there is no contemporaneous record of these notes on the Archdiocesan files. There is no evidence that Monsignor Glennon compiled a written record of the complaint against Fr Ioannes* in 1973.

State authorities

The Gardaí

- 1.92 There were a number of inappropriate contacts between the Gardaí and the Archdiocese. Clearly the handing over of the Fr Edmondus* case to Archbishop McQuaid by Commissioner Costigan was totally inappropriate. The relationship between some senior Gardaí and some priests and bishops was also inappropriate – in particular, in the Fr Carney and Fr McCabe cases.

- 1.94 The Commission was impressed with those directly involved in the prosecution of Fr Carney in the early 1980s. The Commission was not impressed by the delay that occurred (over 20 years) in reaching a decision to bring charges against Fr McCabe.

The 2001 procedural rules

- 4.29 A further instruction came from the Vatican in May 2001 entitled *Sacramentorum Sanctitatis Tutela*. Unlike the 1922 and 1962 documents, this document was made widely available. This initiative represented a major change in Vatican policy. It provided that all allegations of child sexual abuse, which have reached the threshold of “*a semblance of truth*” should be referred directly to the Congregation for the Doctrine of the Faith (CDF) in Rome. That body would either elect to deal with the matter itself or would advise the bishop on the appropriate action to take in canon law. The Commission has been informed that this policy was adopted in order to ensure a co-ordinated and uniform response to allegations of child sexual abuse against clergy throughout the Roman Catholic world. The chancellor, Monsignor Dolan, gave evidence that the policy was subsequently modified as Rome was unable to deal with the vast numbers of referrals. The position now, he said, is that all cases brought to the attention of the Archdiocese before April 2001 and which were outside prescription (see below) were not going to be dealt with by the CDF. It was up to the bishop to apply disciplinary measures to the management of those priests. Monsignor Dolan told the Commission that, up until 2007, 19 cases had been referred by the Archdiocese of Dublin to the CDF. These did not include most of the very serious cases such as those of Fr Bill Carney (Chapter 28), Fr Jovito* (Chapter 19), Fr Ivan Payne (Chapter

24), Fr Patrick McCabe (Chapter 20) or others that had already been dealt with by the Archdiocese.

Treatment costs

- 8.31 The Archdiocese spent almost €564,000 on the treatment of diocesan priests. Up to July 2008, over €340,000 of this was spent on the 34 diocesan priests in the representative sample. In some cases where the Archdiocese referred priests for treatment, the Archdiocese did not receive bills – it could be that these were paid by way of private health insurance or were paid

directly by the priests themselves. The amount spent on each priest varied hugely. It is difficult to provide meaningful comparisons as the value of money changed considerably over the time period covered. The largest amount, in absolute terms, was the €85,000 spent on Fr Guido*⁴⁹ between 2003 and 2005. The largest, in real terms, was probably the £29,000 (€37,000) spent on Fr McCabe between 1981 and 1987.

1986

28.87 In January 1986, Fr Carney was released from hospital on a trial basis. Dr Lane O'Kelly suggested an appointment south of the Liffey in order to facilitate his visits to the Waterford hospital. His faculties were restored on condition that he continue to attend Dr Lane O'Kelly at monthly intervals and that he avoid those areas particularly on the north side of the city, for example, Ayrfield and Donoghmede parishes and Portmarnock Leisure Centre, where his presence "*might give rise to unfavourable comment on the Church*". Fr Carney was appointed to the parish of Clogher Road. The parish priest, Fr James Kelly, issued a strong letter of protest. The letter refers to earlier experiences in this and a neighbouring parish and argues that he should have been consulted. It seems that Fr Kelly was aware of the nature of the problem but this is not explicit. Monsignor Stenson told the Commission that he discovered at a later stage that Fr Kelly had not been as well briefed as he (Monsignor Stenson) had thought at the time. Monsignor Stenson also told the Commission that he was "*horrified*" when he heard of the appointment; he himself had no involvement in appointments. This parish had already had a number of problem priests – Fr Patrick McCabe (see Chapter 20) had served there and there was another priest who had a different problem - and Fr Carney would be living alone.

28.93

28.94 Monsignor Stenson concluded:

"With hindsight it would appear that:

- i) the appointment to Clogher Road was a mistake - there was a previous history of this problem there;*
- ii) residential accommodation on his own is not in Bill's best interest;*
- iii) the 'monitoring' has not been as tight as it might have been. Fr. Kelly was hearing nothing from Archbishop's House and we were hearing nothing from him. The other priests in the Parish were aware of some problem but they never discussed it together;*
- iv) There was no 'ongoing' monitoring of medical reports - Bill in fact stopped seeing Dr. Lane when he considered he was no longer in need of him. We were unaware of this;*
- v) In the light of the above it would be helpful if all Departments co-ordinated information in respect of such cases. This happened with the Paddy McCabe file. But I gather from [the priest to whom the complaint of the boy from St Joseph's was reported] that Father Kelly had written of his concerns to Archbishop's House at some stage. Is this true? I have no record of it".*

29.5 The type of investigation carried out is not chronicled in the files and would appear to have been totally inadequate even by the standards of the time. It can be compared unfavourably with the excellent investigations carried out in 1977 by Canon Ardie McMahon into complaints by a school boy that he had been sexually assaulted by Fr Patrick McCabe (see Chapter 20) and in 1983 by Canon McMahon and Monsignor Stenson in the Fr Bill Carney case (see Chapter 28). Bishop Murray considers that this comparison is unfair as there was no specific complaint of child sexual abuse in Valkeymount.

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*Note: Names in **bold** indicate priests in the representative sample*

An asterisk after a name denotes a pseudonym*

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